

California Department of Transportation

REGIONAL PLANNING HANDBOOK

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TABLE OF CONTENTS

1 INTRODUCTION

1.01	Regional Transportation Planning	1-1
1.02	3C Planning: Continuing, Cooperative and Comprehensive	1-2
1.03	Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)	1-2
1.04	The Core Regional Transportation Planning Documents and Products	1-3
1.05	Transportation Planning Funding Administered by ORIP	1-5
1.06	Authority	1-6
1.07	Reference Materials	1-7
1.08	Terms and Acronyms Frequently Used in this Handbook	1-7

2 OVERALL WORK PROGRAM (OWP)

2.01	The Purpose and Contents of the OWP	2-1
2.02	The OWP is Part of a Funding Contract	2-2
2.03	The MFTA/OWP/OWPA Trio Only Encumbers CPG and/or RPA	2-3
2.04	The Three Components of the OWP	2-3
2.04.a	Introduction or Prospectus	2-3
2.04.b	Work Elements	2-4
2.04.c	Budget Revenue Summary	2-4
2.05	The OWPA	2-5
2.06	OWP Timeline	2-6
2.07	<i>OWP Guidance</i>	2-7
2.08	Planning Emphasis Areas (PEAs)	2-10
2.09	District Review of the Draft OWP	2-11
2.10	District Staff Circulate the Draft OWP	2-12
2.11	The District Copies the Comment Letter to Reviewing Units and ORIP	2-13
2.12	ORIP OWP Responsibilities	2-13
2.13	District and ORIP Cooperation	2-15
2.14	Intermodal Planning Group (IPG) Meetings for MPOs	2-15
2.15	Triennial Certifications and Reviews	2-15
2.16	Certifications and Assurances	2-16
2.17	Approving the Final OWP	2-17
2.18	ORIP Requests an Electronic Version of the Final Adopted and Approved OWP	2-19
2.19	Accomplishing the OWP	2-19
2.20	OWP Amendments	2-20
2.21	Administrative Amendments	2-20
2.22	Formal Amendments	2-21
2.23	Concurrence is Required Before the District Approves an OWP Amendment	2-22
2.24	Approving an Amendment	2-22
2.25	The District Provides ORIP all OWPA Amendment Information	2-23
2.26	The Deadline for OWP Amendments is April 1	2-23
2.27	Monitoring Progress	2-24

2.28	Quarterly Progress and Expenditure Reports	2-25
2.29	Mid-Year Reviews	2-26

3 THE CONSOLIDATED PLANNING GRANT (CPG)

3.01	Metropolitan Planning, FHWA PL and FTA § 5303	3-2
3.02	FHWA State Planning and Research – Partnership Planning Element	3-2
3.03	FTA § 5313(b)	3-3
3.04	California’s Implementation of the CPG	3-3
3.05	Local (Non-Federal) Match	3-4
3.06	When to Include CPG Discretionary Grant Funds in OWPs and OWPAs	3-6
3.07	Unexpended Carryover	3-6
3.08	Reconciliation of CPG Carryover Balances	3-7

4 ORIP – ADMINISTERED TRANSPORTATION PLANNING FUNDS

4.01	Non-ORIP-Administered Transportation Planning Funds	4-1
4.02	Use of Transportation Planning Funds	4-2
4.03	Rural Planning Assistance (RPA)	4-3
4.04	25% Limit on Use of RPA for Administrative Purposes	4-3
4.05	Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP)	4-3
4.06	Requests for Reimbursement (RFRs)	4-4
4.07	Timely District Review of all RFRs	4-5
4.08	Inaccurate RFRs/Dispute Notification Form	4-7
4.09	Year-End Package	4-7
4.10	FTA § 5313(b) and/or FHWA SPR-Partnership Planning Grant Closeout Package	4-8
4.11	Annual MPO/RTPA Fiscal and Compliance Audit	4-8
4.12	Audit Report Distribution	4-9
4.13	Records Retention	4-10
4.14	Electronic Submittals and Databases	4-10

5 THIRD PARTY CONTRACTS

5.01	Open and Competitive	5-1
5.02	Contracts Smaller Than \$100,000	5-2
5.03	Contracts for \$100,000 or More	5-2
5.04	Six Contract Steps	5-3
5.04a	Determination of How to Best Accomplish the Work	5-3
5.04b	Contracting Methods	5-3
5.04c	Development of the Request for Proposal	5-4
5.04d	Consultant Selection and Contract Negotiation	5-5
5.04e	Contract Approval and Execution	5-5
5.04f	Contract Monitoring and Evaluation	5-6
5.05	Pre-Award Evaluation	5-6
5.06	Disadvantaged Business Enterprise (DBE)	5-7
5.07	RFP Review Points	5-8

6 REGIONAL TRANSPORTATION PLAN (RTP)

6.01	<i>The RTP Guidelines</i>	6-1
6.02	RTP Purpose and Contents	6-1
6.03	Fiscally Constrained	6-3
6.04	Air Quality Conformity	6-4
6.05	The RTP Should be Consistent with Other Plans in the Region	6-4
6.06	Department Plans which Impact RTPs	6-5
6.07	Key Review Points	6-5
6.08	RTP Development and District Circulation of the Draft RTP	6-7
6.09	The RTP is a Project under CEQA	6-7
6.10	The Final RTP	6-7
6.11	The District Provides ORIP all RTPs and RTP Environmental Documents	6-9

7 FULL PARTICIPATION REGIONAL PLANNING

7.01	A Public Participation Plan/Public Involvement Program	7-1
7.02	Native American Tribal Governments and Communities	7-3

Illustrations

California MPO and RTPA Map	1-4
Sample Other Entities' Transportation Planning Activities Chart	2-1
MPO OWP Timeline	2-8
RTPA OWP Timeline	2-9
Sample Matrix for Planning Factors or Planning Emphasis Areas	2-10
OWP Development and Review	2-14
The Triennial Certification Schedule Years	2-16
RFR Procedure	4-6
RTP Development and Review	6-8

Appendices

Sample Work Element	A
Sample Budget Revenue Summary	B
Sample MPO OWPA	C
Sample RTPA OWPA	D
Sample RTPA Quarterly Progress and Expenditures Report	E
Sample MPO Request for Reimbursement	F
Sample RTPA Request for Reimbursement (FTA § 5313(b) and FHWA SPR- Partnership Planning Element) Request for Reimbursement	G
Sample RTPA Request for Reimbursement (RPA)	H
Sample Certification of Expenditure by Fund Source Including the Final Statement of Expenditures	I
Director's Policy Number 19, <i>Working with Native American Communities</i>	J

1 INTRODUCTION

Within the California Department of Transportation (Department), regional transportation planning is done by transportation planners in the Districts and in the Office of Regional and Interagency Planning (ORIP), in the Division of Transportation Planning at Headquarters, Sacramento.

This Handbook describes the respective roles and responsibilities for District Transportation Planners with regional transportation planning duties, and for Transportation Planners within ORIP.

The focus is Department interaction with the Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs) in regard to Overall Work Programs (OWPs) and Regional Transportation Plans (RTPs), with emphasis on monitoring activities paid for with ORIP-administered transportation planning funds: state Rural Planning Assistance (RPA) and federal Consolidated Planning Grant (CPG).

The Handbook will be updated as procedures change. It is supplemented annually with *Overall Work Program Guidance* packages, which focus on OWP information that changes from year-to-year. There are separate RTPA and MPO versions of the *Guidance*, which like all ORIP products are posted on the web at <http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>. ORIP also prepares and distributes annual requests for grant proposals, with application procedures for the two discretionary components of the CPG.

This Handbook replaces the May 18, 1989 version of the *Regional Planning Delegation Handbook*, all earlier versions thereof, and any interim or proposed partial revisions.

1.01 Regional Transportation Planning

Regional Transportation Planning is long-range (20+ years), area-wide, developed through formal consultation with Native American Tribal Governments, and the involvement of federal, state, regional, and local agencies, public entities, private and community based organizations, and individuals working together to identify future regional transportation needs and to plan how these needs can and will be met. “Future ... needs” means both near and long-term. “Identify future regional transportation needs” may also include programming specific projects to address immediate problems.

The purpose of regional transportation planning is to prepare and provide for the region’s mobility in a fiscally and environmentally responsible manner, consistent with the needs, preferences and sensibilities of the community.

1.02 3C Planning: Continuing, Cooperative and Comprehensive

Regional transportation planning is based on the 3Cs articulated in federal transportation law: continuing, cooperative and comprehensive. It is on-going, not a single completed action. All modes of transportation, including pedestrian walkways and bicycle transportation facilities, among others, shall be considered. (Title 23, United States Code, Section 134 and Title 49, United States Code, Section 3004) It involves all parties in the development of a shared mobility vision, including improving the transition among modes in the multi-modal transportation system and incorporation of new transportation technologies.

Another way of expressing the 3Cs is all transportation providers and users working together to achieve intermodal mobility in the region.

Transportation concepts and improvements are considered during the planning and programming phases. Project development is post-planning. For example, buses are purchased, traveler information service and a rideshare program are provided, a bikeway/pedestrian path/roadway is constructed. Environmental, right of way, design, award, and construction are completed. These phases should be iterative and coordinated, but CPG and RPA may only fund planning activities.

1.03 Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)

Among the key regional transportation planning entities in California are eighteen metropolitan planning organizations (MPOs), sixteen of which are also regional transportation planning agencies (RTPAs). There are forty-three RTPAs, twenty-seven of which are not MPOs. The five county transportation commissions within the boundaries of the Southern California Association of Governments (SCAG) are not RTPAs.

Every county in California is served by an RTPA and every county with at least one urbanized area is also served by an MPO.

Federal law defines an MPO as a forum for cooperative transportation decision-making. An MPO is required for urbanized areas over 50,000 population, but a single MPO may serve more than one urbanized area. MPOs are generally councils of government or associations of government.

RTPAs are created pursuant to California law (Government Code Section 29532 et seq.) and although State law does not define RTPA, Government Code Section 65080 identifies some RTPA responsibilities: to adopt a regional transportation plan and to prepare and adopt a regional transportation improvement program. The RTPAs are local transportation commissions, county transportation commissions,

councils of government, and associations of government. Seven RTPAs are statutorily-created (Gov. Code Section 29532.1).

MPOs and RTPAs perform generally the same transportation planning work. For example, both prepare an annual Overall Work Program (OWP) and both develop regional transportation plans (RTPs) and program projects into transportation improvement programs.

Some MPOs serve a single county and some serve several counties. With the exception of the Sacramento Area Council of Governments (SACOG) and the Association of Monterey Bay Area Governments (AMBAG), their MPO and RTPA boundaries are the same. Two MPOs, AMBAG and the Tahoe Metropolitan Planning Organization (TMPO) are not RTPAs. The RTPAs within AMBAG's boundaries are Santa Cruz County Regional Transportation Commission, Transportation Agency for Monterey County and San Benito Council of Governments, and the RTPA within TMPO's boundary is the Tahoe Regional Transportation Planning Agency.

All non-MPO RTPAs serve only one county. El Dorado County Transportation Commission and Placer County Transportation Planning Agency are the RTPAs for their respective counties to the crest of the Sierra Mountains. The area east of the crest in these two counties is part of the Tahoe Regional Planning Agency (TRPA), which has the same boundaries as TMPO. TRPA is the RTPA and TMPO is the MPO. The TRPA/TMPO boundaries also include portions of Nevada. The map on page 1-4 shows MPO and RTPA boundaries within California.

MPOs and RTPAs are the entities who receive state and/or federal transportation planning funds to accomplish regional transportation planning through the activities detailed in their OWPs. These funds are used to identify transportation improvements in sufficient detail in RTP action elements to model them for air quality conformity (in air quality non-attainment and maintenance areas), to establish fiscal constraint, and to serve as a purpose and need foundation for environmental alternatives analysis and project approval.

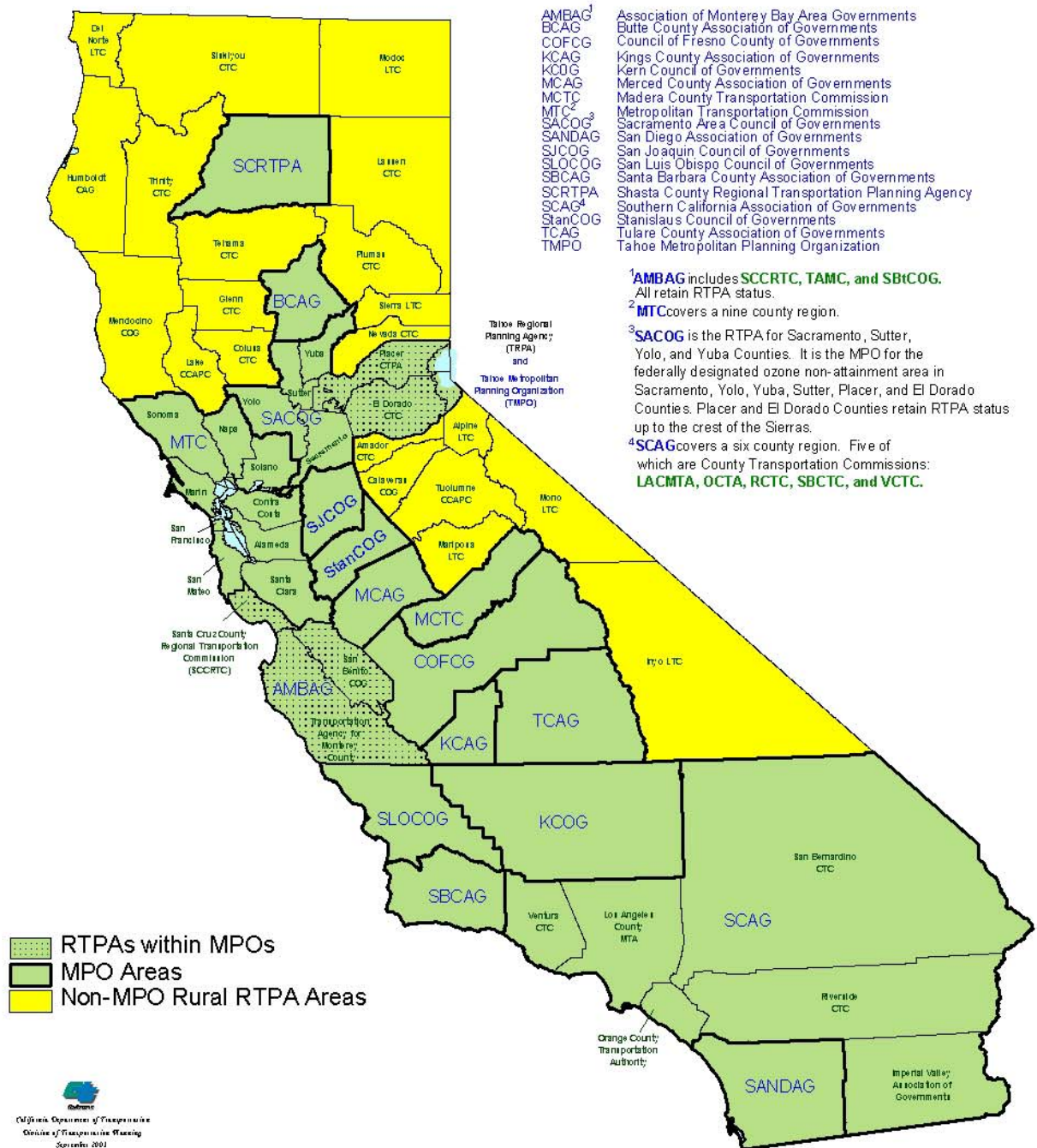
As needed, MPOs and RTPAs may enter into agreements or memoranda of understanding (MOUs) to accomplish their work; for example, with adjacent MPOs/RTPAs regarding cross-jurisdictional issues, to prepare inter-urban/inter-area corridor studies, to perform air quality conformity analyses if the air basin has different boundaries from those of the MPO/RTPA, to assess feasibility of inter-urban/inter-area commuter rail service, etc.

1.04 The Core Regional Transportation Planning Document and Products

The core regional transportation planning document is the Overall Work Program (OWP) and its core product is the regional transportation plan (RTP).

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Metropolitan Planning Organizations (MPOs) and Regional Transportation Planning Agencies (RTPAs)



The OWP and RTP are directly and inextricably interconnected. OWP activities support the RTP and development of the RTP is an OWP activity. The RTP is implemented through the Regional Transportation Improvement Program (RTIP) and the Federal Transportation Improvement Program (FTIP). Development of the RTIP and FTIP are OWP activities.

OWP is a California variant of what federal regulations refer to as a unified planning work program. Federal regulations do not define it, but list what it must contain, depending on the size of the MPO and various other factors. The least complex OWPs include a description of what work is to be accomplished, when, by whom and using which specific funding.

The OWP is a one-year scope of work and budget for transportation planning activities and funding sources. It is a statement of proposed work and estimated costs that tie specific available transportation planning funding sources to specific transportation planning to be accomplished between July 1 and June 30, the state fiscal year.

Federal law uses the term metropolitan transportation plan (MTP) and defines the term as the official intermodal transportation plan that is developed and adopted through the metropolitan transportation planning process for the metropolitan planning area. California law uses the term regional transportation plan, but does not define it. Statutes relative to legislative intent (Gov. Code Section 65070), preparation and contents (Gov. Code Section 65080), and public hearing (Gov. Code Section 65090), effectively provide a definition.

As with most plans, the RTP has a long-term horizon (not less than 20 years within the entire life of the RTP) and identifies existing and future transportation needs in the region. Although it includes rough cost estimates for the transportation proposals and is fiscally constrained (i.e., the total anticipated cost of the proposals is limited to the total reasonably anticipated revenues for the term of the plan), specific fund sources are usually not identified for the individual transportation proposals.

The RTP is defined as a project under the California Environmental Quality Act, and in air quality non-attainment areas it must conform to the State Implementation Plan (SIP). (See Sections 6.04 and 6.09 for more information about air quality and CEQA.)

1.05 Transportation Planning Funding Administered by ORIP

ORIP administers two transportation planning fund groups:

- Rural Planning Assistance (RPA)
- Consolidated Planning Grant (CPG)

RPA is state transportation planning funding included in a State Budget line item, allocated by the Department per population formula to rural RTPAs. (None of the rural RTPAs is an MPO.) It is provided on a reimbursement basis, after costs are incurred and paid for using local funds. In 2000/2001, the annual RPA total increased from \$2 million to \$4 million. (Sections 4.02 and 4.03 provide additional information about RPA.)

CPG is federal funding which totals approximately \$40 million annually. The amount can increase or decrease contingent upon California's federal apportionment. (Chapter 3 provides more detail about CPG.)

Reference may be made to other funding sources, but the fund encumbrance, monitoring, administration and reimbursement procedures described in this Handbook only apply to RPA and CPG.

1.06 Authority

Regional transportation planning authorities are found primarily in Titles 23 and Title 49 of United States Code (USC), and in Sections 65080 et seq., and 29532 et seq., of the Government Code. Governing regulations are found in the Code of Federal Regulations (CFR) and the California Code of Regulations.

Federal accounting and auditing requirements are as per Titles 48 and 49 USC and CFR, and Office of Management and Budget (OMB) and Federal Transit Administration (FTA) Circulars and guidance. State accounting and auditing requirements are as per the Government Code, the Public Utilities Code, the Public Contracts Code, and the Health and Safety Code.

Some other key authorities include Government Code Section 6500 et seq., Streets and Highways Code, Presidential Executive Orders 12372, 12612, and 12898, the State Budget, the State Administrative Manual, the California Labor Code, the Older Americans Act, the Civil Rights Restoration Act of 1987, the Americans with Disabilities Act, the Clean Air Act Amendments, Title VI of the Civil Rights Act of 1964, and the California Environmental Quality Act (CEQA).

The Department Director has delegated authority for most regional transportation planning responsibilities to the District Directors in Executive Orders, *Confirmation of and Delegation of Authority*. These twelve Executive Orders reference and incorporate the Director's Policy for *Program Management* (Number 16, effective 12-1-94).

ORIP in the Division of Transportation Planning (DOTP) at Department Headquarters, Sacramento, provides oversight and statewide guidance relative to these authorities.

1.07 Reference Materials

In this Handbook, forms and samples are interspersed with the text or are included in the Appendix. Companion and reference documents are cited by web address.

ORIP products are posted at <http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>

The web version of the Handbook includes hypertext links to all referenced websites.

1.08 Terms and Acronyms

There are thousands of transportation and transportation planning terms and acronyms with more added each day. However, familiarity with the following terms and acronyms is essential to understanding concepts in this Handbook.

Allocation	A distribution of funds by formula or agreement.
Apportionment	Distribution of federal funds (grants) by a statutory formula to the states' Governors for allocation by them to the grant recipients.
Appropriation	An official action (e.g. passage of a law) to make funds available, with specific limitations as to amount, purpose and duration.
Encumber	The formal processes, which commit funds for a specific purpose, e.g., commitment of Rural Planning Assistance (RPA) to an RTPA, or FHWA Metropolitan Planning (PL) funds to an MPO.
FHWA, FTA	The Federal Highway Administration and the Federal Transit Administration are two of the modal agencies in the United States Department of Transportation (US DOT).
ISTEA	Intermodal Surface Transportation Efficiency Act of 1991; federal transportation legislation signed into law in 1991, succeeded by the Transportation Equity Act for the 21 st Century (TEA-21) in 1998.
MPO	Metropolitan planning organizations are the regional planning entities in urbanized areas, usually an area with a population of 50,000 or more. As of July 2003, there are eighteen MPOs in California. Although the Tahoe region does not include an urbanized area 50,000 or larger, TEA-21, specified the Tahoe region may establish an MPO.

ORIP	Office of Regional and Interagency Planning in the Department's Division of Transportation Planning, Headquarters, Sacramento.
Reimbursement	State or federal transportation planning funds paid to the MPO/RTPA for transportation planning work activities in the OWP already done by the MPO/RTPA, or on behalf of the RTPA/MPO by a contractor or consultant, and already paid for using local funds.
RTPA	Regional transportation planning agency, the regional planning entity referenced in California law; e.g., a local transportation commission, a statutorily created RTPA, or a council of governments. As of July 2003, sixteen of California's forty-three RTPAs are also MPOs. (Government Code Section 29532 et. seq.)
TEA-21	Transportation Equity Act for the 21 st Century; federal transportation legislation signed into law in 1998; successor to ISTEA.
Unexpended Carryover	Federal CPG funding -- FHWA Metropolitan Planning (PL), FTA Metropolitan Planning (§ 5303), FTA State Planning and Research (§ 5313(b)), and FHWA State Planning and Research – Partnership Planning Element -- need not be fully expended during the fiscal year in which they are appropriated and allocated or awarded. The recipient may carry over unexpended amounts to the next fiscal year.

Three websites for glossaries of transportation planning terms:

<http://www.fhwa.dot.gov/environment//conformity/basic5gd.htm>

<http://www.dot.ca.gov/dist3/departments/planning/149tcr/149glossary.html>

<http://www.dot.ca.gov/dist3/departments/planning/32tcr/32tcrdefine.html>

2 OVERALL WORK PROGRAM (OWP)

Annually, each MPO/RTPA develops and its Governing Board formally adopts an Overall Work Program (OWP).

The OWP introduces the agency and provides an overview of the region, with a focus on its transportation goals and objectives, and the actions to achieve those goals and objectives. The OWP is a scope of work for transportation planning activities, including estimated costs, funding sources, and completion schedules.

Although the OWP reflects work to be performed by in-house MPO/RTPA staff or work the agency contracts out, preparation of the OWP should involve collaboration among all transportation partners in the region: Department, transit providers, community based organizations, railroads/maritime ports/airports, bicycle and pedestrian interests, congestion management agencies, state and federal resource agencies, the public, including minority and low-income populations etc.; and government-to-government consultation with Native American Tribal Governments.

Because it is intended to provide a comprehensive overview of transportation planning, activities to be completed by other entities within the region should also be included. These may be shown as actual work elements, but are more generally shown in as a chart or matrix, either in the body of the OWP or in the appendix. (See Sample Chart)

Sample Other Entities' Transportation Planning Activities Chart

Activity Title	Activity Description	Product(s)	Comments

Regional transportation planning staff in the District is the initial and principal point of planning contact between Department and the MPO/RTPA. They have primary review, monitoring and administration responsibilities for the MPO's/RTPA's OWPs. These staff provide the MPO/RTPA with information about the Department's transportation planning activities in the region.

Regional transportation planning staff at ORIP provide tools and guidance to assist and to support the efforts of the District regional planners.

2.01 The Purpose and Contents of the OWP

The OWP is the MPO's/RTPA's transportation planning structure for the state fiscal year, July 1 through June 30. It can also be used for other purposes, such as:

- The MPO's/RTPA's annual operations plan for the state fiscal year

- The MPO's/RTPA's planning budget for the state fiscal year
- An activity tracking and management tool for the MPO/RTPA Governing Board
- A contract and monitoring tool for local, state and federal entities to track the completion of annual transportation planning and expenditure of funds
- An easy reference for members of the public who wish to know the "who/what/when/where/how much" of transportation planning activities in the region.

The OWP Budget Revenue Summary is an at-a-glance overview of the entire year's transportation planning activities and funding. The individual work elements provide more specific information and work completion timelines. (See Section 2.04c.)

In the OWP, there is an overview of the MPO's/RTPA's decision-making, partnering, public participation and other approaches. For example, work is accomplished by staff through technical committees, workshops, data gathering, public participation, outreach, and information sharing efforts. Binding decisions are made by a vote of the MPO/RTPA Governing Board at regularly scheduled meetings after MPO/RTPA staff and advisory committees provide information and make recommendations. Members of the public have the opportunity to present their views and express their support or opposition at Board meetings. (See also Section 7.02, Native American Tribal Governments and Communities.)

2.02 The OWP is Part of a Funding Contract

In conjunction with the Overall Work Program Agreement (OWPA) and the regional transportation planning Master Fund Transfer Agreement (MFTA), the OWP constitutes the annual funding contract between the state and the MPO/RTPA for Consolidated Planning Grant (CPG) and/or Rural Planning Assistance (RPA). It is also the annual application for CPG formula funds and RPA. (See Chapter 3 for more information about CPG.)

The MFTA is an on-going, multi-year agreement, which prevails until it is amended, updated or replaced. In it, the MPO/RTPA agrees to submit an OWP each year and to incorporate the MFTA by reference, as an express part of each OWP via the OWPA. The MPO/RTPA also agrees to comply with all applicable state and federal laws, regulations and requirements. (See Section 2.05 for more information about OWPA's.)

Although the MFTA is a complex legal document, it is sufficiently generic to not require annual reconsideration. Detail is added through the OWP and OWPA. This three-document arrangement is straightforward and practical, and much less expensive for the MPO/RTPA and the Department than entering into a completely new fund transfer contract each year.

The provisions of the MFTA bind any MPO/RTPA contractors and subcontractors.

2.03 The MFTA/OWP/OWPA Trio Only Encumbers CPG and/or RPA

Although the OWP is a comprehensive document that includes a wide variety of funding sources, the regional planning MFTA and the OWPA only apply to CPG and/or RPA. There are different applications, agreements, and fund transfer arrangements for other transportation planning funds, i.e., funds not administered by ORIP.

Even if there is a fully executed MFTA between the state and the MPO/RTPA, the current year's CPG and/or RPA cannot be encumbered for the MPO/RTPA until it has a Final OWP adopted by the MPO/RTPA Governing Board, approved by the Department, and a fully completed and executed *original* OWPA on file in ORIP.

Reimbursement can only occur after passage of the State Budget on or about July 1.

2.04 The Three Components of the OWP

Although OWPs vary in length, complexity, and format, in general, they include the following three components:

- Introduction or prospectus
- Work elements
- Budget Revenue Summary

The federal unified planning work program contents are divided into five categories 1) tasks, 2) federally funded studies and all relevant state and local planning activities regardless of funding source, 3) funding sources by project, 4) schedule of activities, and 5) responsible entity for each task or study. All five are included among the three OWP components.

2.04.a Introduction or Prospectus

The OWP introduction or prospectus provides the context for understanding the work activities proposed and gives information about the region. For example, the following information should be provided:

- The region's transportation planning approach.
- Agency organizational structure and interagency arrangements.
- Decision-making steps.
- Government-to-government consultation with Native American Tribal Governments.
- An overview of public participation and involvement.
- Significant regional characteristics and issues, demographics, transportation needs, priorities and goals.
- How the annual Planning Emphasis Areas (PEAs) and the federal planning factors are addressed in the work elements.
- Progress made toward implementing the Regional Transportation Plan.

2.04.b Work Elements

Work elements identify specific planning work (called variously activities, tasks, steps, products, etc.) to be completed during the term of the OWP.

There should be a separate work element for each major activity, and each should include:

- A title and work element number.
- A purpose or objective statement.
- An identification of previous, ongoing and future years' work.
- A description of steps/activities/tasks/products, etc., completion dates, responsible entities (including identification as contracted, in-house, sub-regional, etc. work).
- A table showing all fund sources, and uses of these funds (e.g., in-house, contracted).

For OWPs with many different work elements, reference may be facilitated if the elements are grouped by category, e.g., Regional Transportation Plan, Air Quality Planning, Transit Planning, Corridor Planning, Programming, Travel Forecasting, etc.

Some MPOs/RTPAs have created one single work element for each category of work; mega-work elements. This is discouraged because such a broad-brush defeats the OWP's utility as a comprehensive information document for the Governing Board, other agencies, and the public; as a transportation planning work plan; and a budget to monitor planning and expenditures.

In each work element, previous, on-going and future years' work should be identified. For multi-year work elements, the activities to be completed, as well as the sources and uses, are shown separately by year. For prior years, the accomplished activities are summarized and the work element budget should show actual expenditures. For the current and future years, the sources and uses are estimates.

If there are federal funds in the work element, the required percentage of local match, i.e., non-federal local funds or local "in-kind" contributions must be shown. (See Section 3.05 for more information about local match.)

The Appendix includes a sample Work Element.

2.04.c Budget Revenue Summary

Although each work element entry includes a breakdown of funding sources and types and shows for whose work those funds will be reimbursed, *all* OWP sources and uses are also listed in a comprehensive Budget Revenue Summary table. Some other titles for the summary are Revenue and Expenditure Summary, Funding Table, etc.

Itemized by work element and funding sources and types, the summary shows all funds in the OWP. Prior years' unexpended CPG carryover in the OWP must be identified separately from the current year's allocations and/or awards.

Consistency of funding throughout the OWP is vitally important, i.e.; the entries in the Budget Revenue Summary must accurately reflect the amounts in the individual work elements. Totals for individual sources may not exceed allocations or awards. (Sections 2.05 and 3.07 provide more information about unexpended carryover.)

The Appendix includes a sample Budget Revenue Summary.

2.05 The OWPA

The Overall Work Program Agreement (OWPA) is a one-page document signed by the MPO/RTPA and the District. The signatures on the OWPA formalize the annual CPG and/or RPA contract, effective upon passage of the State Budget.

The MPO/RTPA generates an original signed OWPA and forwards it to the District. The authorized MPO/RTPA signatory is usually the Executive Director or the Finance Officer, as per Governing Board delegation. Although the Board action adopting the OWP is very specific, often the signature delegation authority for the OWPA is fairly generic.

The District signatory is the District Director or the Deputy District Director for Planning, as delegated by the District Director. After the District obtains the necessary signature on the original OWPA, (signed in **blue** ink to more easily distinguish original signatures from photocopies) the District makes photocopies for its file and for the MPO/RTPA and forwards the original to the ORIP District Liaison.

ORIP requires one original signature OWPA. The District and/or the MPO/RTPA may also prefer (or require) originals rather than photocopy versions. In such instances the two parties need to determine how many additional original OWPAs need to be generated.

After passage of the State Budget, ORIP's Fund Specialist uses the OWPA to encumber CPG and/or RPA on behalf of the MPO/RTPA for the term of the OWP.

The OWPA is specific to a fiscal year and must accurately reflect the OWP. This means a new OWPA must be submitted each year with the adopted and approved Final OWP. The CPG/RPA funds programmed and approved in the OWP will be equal to the funds to be encumbered by the OWPA. An OWPA amendment must be submitted each time there is an OWP amendment that changes the total amount of CPG (which will also change the local match) and/or RPA.

There are separate OWPA forms for MPOs and RTPAs. It is the District's responsibility to ensure the correct version of the form is used and all fill-in information is accurate. The District should check that:

- The CPG and/or RPA totals in the funding columns are consistent with the amounts in the OWP work elements and Budget Revenue Summary.
- Allocations are not exceeded.
- The local match for each federal fund source and type reflects the mandatory (minimum) percentage precisely.

For CPG, the “mandatory local match” amount entered on the OWPA is based on the total amount of each federal funding source and type. For example: total PL dollars in the OWP divided by the PL federal participation rate (.8853) multiplied by the local match rate (.1147) = mandatory local match. (Section 3.05 provides more information about local match.)

Total PL = \$100

$\$100 \div .8853 = \112.96 (total PL divided by PL federal participation rate)

$\$112.96 \times .1147 = \12.96 (sum of federal and local match multiplied by the local match rate)

Mandatory local match for \$100 PL is \$12.96

The Final OPW for the fiscal year beginning July 1 (the next fiscal year), is usually adopted in May or June, while the current fiscal year’s OWP is still active. Unexpended CPG carryover from prior years, which is part of the still active OWP, cannot be included in the next fiscal year’s Final OWP and OWPA until after closeout and reconciliation of the current fiscal year’s OWP. Any prior years’ carryover not encumbered by the current year’s OWP may be included in the next fiscal year’s Final OWP. After reconciliation, any remaining CPG, and the activities to be funded therewith, may be amended into the OWP and the OWPA. (See Sections 3.08, Reconciliation of CPG Carryover Balances, and 4.09, Year-End Package.)

What some regions refer to as “carryover work”, i.e., work not completed by June 30, is not tied to carryover balances. All carryover work must be included in the new fiscal year’s OWP and must be funded with amounts not encumbered in the current year OWP. Post-reconciliation funds amended into the OWP and OWPA are for additional work amended into the OWP.

Because the OWPA cannot include separate line entries for current versus prior years’ balances, the ORIP Fund Specialist requires a letter or memo from the MPO/RTPA to identify current year CPG versus carryover amounts when carryover funds are included or amended into the OWP and OWPA. In the Budget Revenue Summary, CPG carryover funds must be listed in a separate column from current year’s funds and must be identified by funding source, and type. (See Section 3.06 and 3.07 for more information about unexpended carryover.)

There is no carryover of RPA.

The Appendix includes sample MPO and RTPA OWPA’s.

2.06 OWP Timeline

The full cycle of an OWP from draft through audit closeout is approximately two years.

The draft portion of the cycle may begin as early as October and may continue into June of the following calendar year. The administration and accomplishment of the OWP spans the state fiscal year, i.e., July 1 through June 30. Closeout commences with the end of the state fiscal year and extends to January 1 of the next calendar year when the MPO’s/RTPA’s

Annual Fiscal and Compliance Audit Report is due to the District. (See Timelines on pages 2-8 and 2-9.)

All these activities should be reflected in the MPO's/RTPA's current OWP.

Draft OWPs for RTPAs are due to the Districts and ORIP by March 1.

Draft OWPs for MPOs are due to the Districts and ORIP 30 days before the MPO's federal Intermodal Planning Group (IPG) meeting or March 1, whichever occurs first. (See Section 2.14 for more information about IPG meetings.)

2.07 *OWP Guidance*

Toward the end of the calendar year, ORIP prepares and distributes *OWP Guidance* consistent with which the MPO/RTPA drafts its OWP for the next fiscal year.

The *OWP Guidance* includes:

- A timetable
- A review checklist
- The planning emphasis areas (PEAs)
- The current year's actual FHWA Metropolitan Planning (PL) amounts to use as next year's estimated FHWA PL amounts
- Actual FTA § 5303 appropriations
- The current year's actual RPA amounts to use as next year's estimated RPA amounts.

The MPOs use the FHWA PL estimates in the *OWP Guidance* in their Final OWPs. If these amounts change after passage of the federal budget, the OWPs and the OWPAs need to be amended accordingly.

The rural RTPAs use the RPA estimates in the *OWP Guidance* in their Final OWPs. If these amounts change after passage of the State Budget, the OWPs and OWPAs need to be amended accordingly.

There is no reimbursement of CPG and RPA prior to passage of the State Budget.

In response to a request from the Rural Counties Task Force (a committee, which consists of the rural RTPAs), ORIP began to prepare separate RTPA and MPO *OWP Guidance*, beginning with the 2001/02 cycle.

ORIP distributes the *OWP Guidance* to the Districts with instructions to share it with MPOs/RTPAs. ORIP also posts the *OWP Guidance* at:

<http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>

MPO OWP Timeline

2002/2003 Overall Work Program Close Out Prior Year		2003/2004 Overall Work Program Accomplish Current Year	2004/2005 Overall Work Program Draft, Review, Adopt Approve Next Year
July 1-June 30 = State Fiscal Year			
Jul – 02	<u>July 31</u> , Q4 Progress Report due to District.	After passage of the State Budget, Accounting encumbers funds for MPOs using complete and accurate OWPA's. MPOs begin work after funds are encumbered.	
Aug – 02	<u>August 15</u> , Q4 Progress Report due to ORIP. <u>By August 31</u> , Year End Package due to District.		
Sep – 02	<u>September 15</u> , Year End Package due to ORIP.		
October 1- September 30 = Federal Fiscal Year			
Oct – 02		<u>October 31</u> , Q1 Progress Report due to District. FHWA PL actual #s for 2001/2002 after passage of federal budget. ORIP notifies Districts. Districts notify MPOs. MPOs amend OWPA's/OWPA's to show actual PL #s.	<u>October – December</u> , FTA Certs and Assurances, FHWA Planning Certs., Tentative MPO IPG meeting schedule, FHWA/FTA issue annual PEAs, FTA §5303 actual #s (after Federal budget passes), FHWA PL estimate #s, ORIP's annual OWP Guidance.
Nov – 02		<u>November 15</u> , Q1 Progress Report due to ORIP.	<u>November – June</u> MPOs draft, circulate and finalize OWPs.
Dec – 02			
Jan – 03	<u>January 1</u> , Annual Fiscal and Compliance Audit Report due to District	<u>January 31</u> , Q2/mid-year Progress Report due to District. <u>January-February</u> , District mid-year OWP status meeting with MPOs.	<u>February - May</u> Individual MPO IPG meetings, MPO draft OWPs due 30 days before IPG meeting, but no later than March 1, Districts review and circulate draft OWPs,
Feb – 03	<u>February 15</u> , Districts send Annual Fiscal and Compliance Audit Reports to Audits, ORIP, Accounting and FHWA.	<u>February 15</u> , Q2/mid-year Progress Report due to ORIP.	MPO Indirect Cost Negotiation Agreements and Cost Allocation Plans due to Districts (Districts forward to Audits).
Mar – 03			
Apr – 03		<u>April 1</u> , deadline for 2001/2002 OWP amendments (complete package due to ORIP). <u>April 30</u> , Q3 Progress Report due to District.	<u>April-May</u> , District year end OWP status meetings with MPOs.
May – 03		<u>May 15</u> , Q3 Progress Report due to ORIP.	
Jun – 03			Final, adopted OWPs due, Districts recommend OWP approval to FHWA/FTA, FHWA/FTA concur re approval of MPO OWPs. Districts approve MPO OWPs.
July 1-June 30 = State Fiscal Year			
Jul – 03		<u>July 31</u> , Q4 Progress Report due to District.	Before <u>July 1</u> , Final approved and adopted OWP and fully executed OWPA due to ORIP. After passage of the State Budget, Accounting encumbers funds for MPOs using complete and accurate OWPA's.
Aug – 03		<u>August 15</u> , Q4 Progress Report due to ORIP. <u>August 31</u> , Year End Pkg. due to District.	
Sep – 03		<u>September 15</u> , Year End Package due to ORIP.	

For MPOs, the Year End Package includes a Certification of Expenditure by Fund Source including, the Final Statement of Expenditures attachment, and the last Request for Reimbursement for the OWP cycle clearly marked "FINAL". (See also Section 4.10 regarding Grant Closeout.)

RTPA OWP Timeline

2002/2003 Overall Work Program Close Out Prior Year		2003/2004 Overall Work Program Accomplish Current Year	2004/2005 Overall Work Program Draft, Review, Adopt Approve Next Year
July 1-June 30 = State Fiscal Year			
Jul – 02	<u>July 31</u> , Q4 Progress Report due to District.	After passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPA's. RTPAs begin work after funds are encumbered.	
Aug – 02	<u>August 15</u> , Q4 Progress Report due to ORIP <u>By August 31</u> , Year End Package due to District..		
Sep – 02	<u>September 15</u> , Year End Package due to ORIP.		
October 1- September 30 = Federal Fiscal Year			
Oct – 02		<u>October 31</u> , Q1 Progress Report due to District.	<u>October – December</u> , ORIP's annual OWP Guidance.
Nov – 02		<u>November 15</u> , Q1 Progress Report due to ORIP.	<u>November – June</u> RTPAs draft, circulate and finalize OWPs.
Dec – 02			
Jan – 03	<u>January 1</u> , Annual Fiscal and Compliance Audit Report due to District	<u>January 31</u> , Q2/mid-year Progress Report due to District. <u>January-February</u> , District mid-year OWP status meeting with RTPAs.	<u>February - May</u> Districts review and circulate draft OWPs,
Feb – 03	<u>February 15</u> , Districts send Annual Fiscal and Compliance Audit Reports to Audits, ORIP and Accounting.	<u>February 15</u> , Q2/mid-year Progress Report due to ORIP.	
Mar – 03			<u>March 1</u> RTPA draft OWPs due.
Apr – 03		<u>April 1</u> , deadline for 2001/2002 OWP amendments (complete package due to ORIP). <u>April 30</u> , Q3 Progress Report due to District.	<u>April-May</u> , District year end OWP status meetings with MPOs.
May – 03		<u>May 15</u> , Q3 Progress Report due to ORIP.	
Jun – 03			Final, adopted OWPs due, Districts approve OWPs.
July 1-June 30 = State Fiscal Year			
Jul – 03		<u>July 31</u> , Q4 Progress Report due to District.	Before <u>July 1</u> , Final approved and adopted OWP and fully executed OWPA due to ORIP. After passage of the State Budget, Accounting encumbers funds for RTPAs using complete and accurate OWPA's.
Aug – 03		<u>August 15</u> , Q4 Progress Report due to ORIP. <u>August 31</u> , Year End Pkg. due to District.	
Sep – 03		<u>September 15</u> , Year End Package due to ORIP.	

For RTPAs who only get Rural Planning Assistance, a Year End Package consists of the last Request for Reimbursement for the OWP cycle clearly marked "FINAL". (See also Section 4.10 regarding Grant Closeout.)

2.08 Planning Emphasis Areas (PEAs)

Each year FHWA/FTA jointly develop Planning Emphasis Areas (PEAs) to promote priority themes for consideration in transportation planning (i.e. for integration into the OWP). The PEAs are published in the Federal Register, usually toward the end of the calendar year and ORIP includes them in the annual *OWP Guidance*. Generally, the Department accepts the PEAs as the state planning priorities.

Some RTPAs/MPOs discuss their PEAs-related work in the OWP introduction or prospectus. Others include matrixes to indicate the PEAs-related work elements. If one (or more) of the PEAs is not addressed, the reason should be clearly stated.

Like the PEAs, the federal planning factors in Title 23 United States Code, Section 134(f) should be incorporated in the OWP. (See Sample Matrix below which is applicable to both PEAs and/or the TEA-21 Planning Factors.)

The next federal transportation authorization may provide new planning factors from which the PEAs are developed.

Sample Matrix for TEA-21 Planning Factors or PEAs

TEA 21 Seven Planning Factors						
	Work Element 1	Work Element 2	Work Element 3	Work Element 4	Work Element 5	Work Element 6
1. Support economic vitality, especially by enabling global competitiveness, productivity, and efficiency.	X	X			X	
2. Increase safety and security of transportation system for motorized and non-motorized users.		X		X		X
3. Increase accessibility and mobility options available to people and for freight.	X		X		X	
4. Protect and enhance the environment, promote energy conservation, and improve quality of life.			X	X		
5. Enhance integration and connectivity of the transportation system across and between modes, for people and freight.	X					X
6. Promote efficient system management and operation.			X		X	
7. Emphasize preservation of the existing transportation system.		X				X

2.09 District Review of the Draft OWP

Regional planning staff in the Districts is the initial and primary point of transportation planning contact between the Department and the MPO/RTPA. The draft OWPs are submitted to the Districts for review. District staff should:

- Review the draft OWP (primary reviewer).
- Identify compliance concerns, e.g., eligible uses, funding levels, etc.
- Prepare a transmittal memo identifying significant work elements and activities and route the draft OWP for review and comment to other units within the District and Headquarters, as appropriate.
- Receive comments from the reviewing units, and prepare a comprehensive formal Department comment letter to the MPO/RTPA, with copies to the reviewing units, and ORIP. District comment letters regarding MPO OWPs are also copied to FHWA/FTA.

Development and adoption of the OWP is a lengthy procedure for MPOs/RTPAs. District Regional Planning staff should bear this in mind as they review, route and comment on draft OWPs. They should forward *OWP Guidance* to the MPOs/RTPAs as early as possible and should send comment letters in a timely manner. Comment letters should be comprehensive, i.e., they should include **all** the Department's comments.

The District reviews draft OWPs with two different emphases, conceptual and technical. The conceptual evaluation focuses on the OWP as a whole to determine whether the activities accomplish the transportation planning goals of the region. The technical evaluation focuses on compliance.

The conceptual review considers whether the activities in the OWP:

- Respond to District concerns.
- Consider regional mobility issues and requirements.
- Represent an inclusive planning approach to address transportation in the region.
- Contribute to implementation of the Regional Transportation Plan.
- Include required products such as Regional Transportation Plans, Transportation Improvement Programs, air quality conformity, etc.
- Incorporate the applicable PEAs and the federal planning factors. If any of these is not included, the reason for *not* including any of them should be stated.

The technical review of the OWP centers on points such as:

- Are funding amounts consistent throughout?
- Do the budget figures add up correctly?
- Are the activities eligible uses for the regional transportation planning funding sources? (See Section 4.02 for a listing of eligible uses.)
- Have federal match requirements been satisfied?
- Has progress made in the previous year's OWP been described?
- Do the task statements, project schedules, and costs seem realistic?
- Are all regional transportation planning contracts, and grants listed?

- Have Title VI, Disadvantaged Business Enterprise, American with Disabilities and other compliance considerations been included?

MPO draft OWPs are also sent to the FHWA/FTA. The drafts may be sent by the MPO directly or through the District, as MPO/District preference and custom dictate, but it is the District's responsibility to make sure the draft is provided to FHWA/FTA.

FHWA requests three paper copies of each MPO's draft OWP and FTA prefers an electronic copy of the MPO's draft OWP. (See the current *OWP Guidance* for contact names and addresses.)

District regional planners should find the OWP review checklist in the annual *OWP Guidance* a helpful review tool for both the draft and the final OWP. (Also see the OWP Development and Review Flowchart on page 2-14.)

2.10 District Staff Circulate the Draft OWP

After District staff has completed their own careful review, they circulate the draft OWP to, and solicit comments from, ORIP and other affected units in the District and in Headquarters. ORIP is always included, but the contents of the draft OWP will dictate, which other units should participate in the review.

Because the OWP is comprehensive, the regional transportation planning activities and projects in the work elements relate to, impact, and correlate with, projects, activities and responsibilities of various District and Headquarters units. Staff in affected units should be provided the opportunity to review and comment.

What is expected from these reviewers should be clearly stated in the District's request for review and comment transmittal memo. In the memo:

- Specific work elements, activities and/or products should be referenced.
- Relevant questions should be posed.
- Related accomplishments should be cited.
- Pertinent Department activities should be mentioned.

Some District units to whom District staff might circulate the draft OWP are:

- Traffic Operations
- Systems Planning and/or Traffic Forecasting
- Local Assistance Engineer
- Project Management
- Community Planning
- IGR/CEQA Coordinators
- Title VI Liaison
- Transit/Public Transportation Planning

Among Headquarters units to whom District staff might circulate the draft OWP are:

- The Division of Transportation Planning

- Office of Regional and Interagency Planning (**always!**)
- Office of Goods Movement
- Office of Community Planning
- Office of Advanced and System Planning
- Aeronautics
- Mass Transportation
- Division of Research and Innovation
- Any other affected Division

Note: Headquarters Local Assistance does not review draft OWPs. They do, however, request copies of Final OWPs.

Thorough and comprehensive review of the draft OWP by all affected Department areas is of critical importance. The District needs to communicate all the Department's substantive concerns during the OWP draft stage when issues may be more easily resolved. The District collects and is the repository for all Department comments and *should send them in a single comment letter. The District should not piecemeal comments to the MPOs/RTPAs.*

Obviously if major problems are discovered after the comment letter is sent to the RTPA/MPO, the District still needs to work with the MPO/RTPA to resolve them. But, after the OWP is adopted, making changes may be more costly and may delay OWP work.

2.11 The District Copies the Comment Letter to Reviewing Units and ORIP.

The District coordinates its own comments with input received from District and Headquarters reviewing units in a comprehensive letter to the MPO/RTPA. The letter is copied to ORIP, to all reviewing units who provided comment. As the primary contact with the MPO/RTPA, the District determines, consistent with state and federal requirements, which comments will be included in the letter and which are better handled informally.

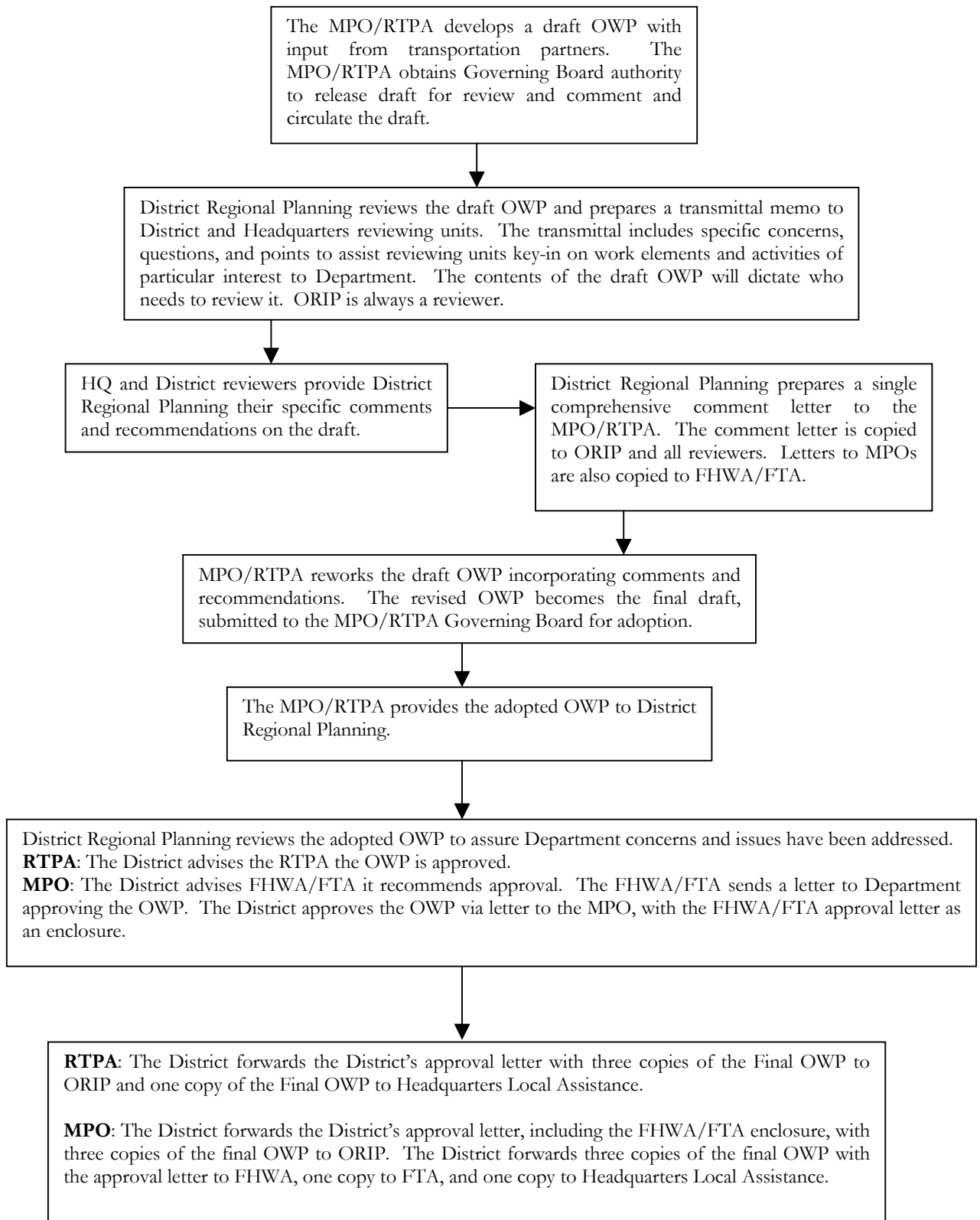
District staff provides the FHWA/FTA copies of the comment letters the District writes to MPOs. (See the current *OWP Guidance* for contact names and addresses.)

2.12 ORIP OWP Responsibilities

The following are among ORIP responsibilities:

- Develop the annual *OWP Guidance*.
- Allocate RPA and CPG and reconcile prior years CPG carryover with each MPO.
- Encumber CPG and RPA through Accounting and code Requests for Reimbursement.
- Advise Districts of statewide transportation policy issues, proposed legislation and new legal and regulatory requirements.
- Review all draft OWPs from a statewide policy perspective.

OWP DEVELOPMENT AND REVIEW



2.13 District and ORIP Cooperation

The District has primary OWP review, monitoring and approval responsibility. ORIP comments when there are issues or concerns that jeopardize approval. There is an ORIP liaison assigned to each District and although District and ORIP responsibilities are different, they are complementary.

The District informs ORIP about District and MPO/RTPA staffing changes, MPO/RTPA successes and problems and issues, e.g., important accomplishments, high profile work elements, politically sensitive or significant issues. ORIP informs the Districts about legislation and regulations, funding, new approaches and procedures, statewide transportation planning issues of interest to the region(s), and regional lobbying efforts to the Department Director, the Secretary of the Business, Transportation and Housing Agency, and/or the Governor's Office.

2.14 Intermodal Planning Group (IPG) Meetings for MPOs

Between February and June of each year, the FHWA/FTA schedule interagency review meetings of the MPOs, Intermodal Planning Group (IPG) meetings. In addition to FHWA/FTA, the MPO and the District, representatives from Headquarters, and other transportation partners often attend. The purpose of the meeting is to discuss transportation issues, trends, accomplishments, and any problems the MPO may be experiencing. The District should complete and distribute the OWP comment letter prior to the IPG meeting and major concerns expressed in the letter should be discussed at the IPG meeting.

Because both the next fiscal year's draft OWP and progress on the current fiscal year's OWP are included in the discussion, it is important that all attendees have time to review the OWPs prior to the meeting. For this reason, MPO draft OWPs must be submitted to the District at least thirty days before the IPG meeting, or March 1, whichever is earlier. (See the current *OWP Guidance* at <http://www.dot.ca.gov/hq/offices/orip/orip.htm> for the latest draft IPG schedule.)

2.15 Triennial Certifications and Reviews

MPOs which are transportation management areas (TMAs), i.e., which include an urbanized area 200,000 persons or larger, are subject to a triennial federal certification review. (See Triennial Schedule Chart.)

The federal agency representatives review the TMA's self-certification, i.e., its compliance with the laws listed in the FHWA/FTA certifications and assurances. (See Section 2.16 for more information.)

The Triennial TMA Certification Schedule Years

MPO	2003	2004	2005	2006	2007	2008	2009
Santa Barbara (SBCAG)	XX			XX			XX
San Diego (SANDAG)	XX			XX			XX
San Joaquin (SJCCOG)		XX			XX		
Fresno (COFCG)		XX			XX		
Southern California (SCAG)		XX			XX		
Sacramento (SACOG)			XX			XX	
Stanislaus (StanCOG)			XX			XX	
Kern (KCOG)			XX			XX	
San Francisco (MTC)	XX			XX			XX

Although in the past the IPG and certification meetings have been scheduled together, FHWA/FTA may begin to separate the two. The certification meetings would be in the summer or fall months, thus making their findings available prior to the IPG meetings the following spring.

The reason for splitting the two is to permit better focus at each; OWP activities at the IPG and certification compliance at the triennial. Generally triennial certification review meetings last approximately two days.

Those MPOs which annually receive more than \$250,000 in FTA § 5303 funds must also submit their Equal Employment Opportunity (EEO) Program by September 30 triennially (2001, 2004, 2007, 2010 etc). The EEO Programs are required per, and must comply with, Urban Mass Transportation Administration (UMTA) Circular 4704.1. They should be submitted to the Districts, whose responsibility it is to review the reports for compliance with the UMTA Circular.

The Districts maintain copies of the reports for their files and submit the original to ORIP within two weeks after receipt from the MPOs. ORIP checks the reports and forwards them to FTA.

At present, only Southern California Association of Governments (SCAG), Metropolitan Transportation Commission (MTC), San Diego Association of Governments (SANDAG) and Sacramento Area Council of Governments (SACOG) receive more than \$250,000 in FTA § 5303 funds annually.

Copies of the circular may be obtained from ORIP and information about triennial EEO reporting may be found at: <http://www.fta.dot.gov/office/program/gmw/22EEO.html>

2.16 Certifications and Assurances

By including the FHWA and FTA certifications and assurances in their final adopted OWP each year, MPOs certify their compliance with the federal laws listed on the certification, for example, the Civil Rights Act of 1964, the Americans with Disabilities Act, and others.

The federal certifications and assurances are published in the *Federal Register* and the latest versions are included in the MPO version of the *OWP Guidance* prepared each year by ORIP.

District staff must carefully compare the certifications and assurances in the OWP. The legal citations may change from year to year and an inaccuracy of a few letters or numbers in the citation may have significant legal implications.

MPOs receive both FHWA PL and FTA § 5303 each year and must always include two certifications and assurances in their OWPs. FTA requires the “Federal FY – Certifications and Assurances for FTA Assistance” and both FTA and FHWA require the “Metropolitan Transportation Planning Process Certification.” As long as Tahoe Metropolitan Planning Organization (TMPO) does not receive FTA § 5303 funds, it only needs to include the FTA certifications and assurances if it is awarded an FTA § 5313(b) grant.

RTPAs need to include the planning process certification if they receive an FHWA State Planning and Research – Partnership Planning Element grant and need to provide the FTA assistance certifications and assurances when they receive an FTA § 5313(b) grant.

Certifications must be executed by an individual to whom the Governing Board has delegated signature authority (usually the Executive Director or Finance Officer) and the District Director or her/his delegatee signs for the Department. The FTA Certifications and Assurances also include an affirmation signed by the MPO’s/RTPA’s attorney-at-law.

The Civil Rights Restoration Act of 1987 clarified the intent of Congress to include all programs and activities of Federal-aid recipients, subrecipients and contractors, i.e., recipients of any federal funds are required to comply with non discrimination on the basis of race, color, national origin, sex, disability and age, whether or not federal funding is used for the specific activity in question.

Because all RTPAs receive some federal funding, consistent with the intention of the Act, RTPAs need to certify their regional transportation planning efforts and processes comply with federal Civil Rights provisions.

Government Code Section 65080 stipulates regional transportation plans shall consider factors specified in Section 134 of Title 23 of USC, and the plan shall be consistent with federal planning and programming requirements.

Beginning with the 2002/2003 OWP cycle, the RTPA Certification format is provided in the annual *OWP Guidance* and is required to be included in all (non-MPO) RTPA OWPs.

2.17 Approving the Final OWP

Prior to approving the OWP, District staff review the MPO/RTPA Governing Board-adopted Final OWP to assure Department concerns have been adequately addressed. The OWP *cannot* be approved if significant issues have not been resolved.

The Final OWP should only include committed funds. The FHWA PL and RPA totals included in the *OWP Guidance* are deemed committed amounts even though totals may

change after passage of the federal and state budgets, respectively. (Sections 3.06 and 3.07 discuss permitted inclusion of CPG discretionary grants and unexpended CPG carryover balances in the draft and Final OWP.)

RTPAs: The District is responsible for approving (or disapproving) the Final OWP. When the Department's issues have been resolved, the District advises the RTPA in writing of the Department's approval of the Final OWP.

MPOs: The District is responsible for Department's approval (or disapproval) of the MPO's Final OWP. When the Department's issues including compliance with Title VI and related statutes have been resolved, the District advises FHWA/FTA that the state *recommends* approval.

FHWA/FTA does not write its approval letter until after it has received approval recommendation notification from the District. The District's recommendation signifies to FHWA/FTA Department's determination the OWP complies with all Department's requirements; the District has completed a thorough review and is satisfied.

FHWA/FTA approval only pertains to those aspects of the OWP, which they review. Although it comes later in time, it is not a substitute for careful District review and FHWA/FTA approval does not supersede the District's ability to disapprove the OWP.

FHWA and FTA may prepare a joint reply or may send separate approval letters. Their approval may be addressed to the District with copies to the MPO or it may be addressed to the MPO with copies to the District. There is no statewide uniformity on this procedure. With either procedure, after the FHWA/FTA provide their written approval, the District advises the MPO in writing of the Department's approval of the Final OWP and encloses the FHWA/FTA approval letter.

After the OWP and the OWPA are finalized, the District transmits these to their ORIP liaison. An OWP/OWPA transmittal package includes the following:

- ✓ District OWP approval letter
- ✓ FHWA/FTA OWP approval letter (MPOs only)
- ✓ Three copies of the adopted and approved OWP
- ✓ One original OWPA bearing (original) MPO/RTPA and District signatures in **blue** ink
- ✓ MPO letter indicating how much PL and/or FTA § 5303 carryover, if any is included in the OWPA. (See Sections 3.07 and 3.08 for more information.)
- ✓ The MPO/RTPA Governing Board resolution (or equivalent) adopting the OWP
- ✓ Governing Board authority for MPO/RTPA staff to sign the OWPA

Although the Governing Board resolution adopting the OWP is very specific, the action authorizing staff signature of the OWPA may be more generic. If the Chair of the Governing Board signs the OWPA, no signature authority is required.

If the MPO/RTPA is awarded an FTA § 5313(b) or FHWA SP&R-Partnership Planning grant, the OWP must include the work to be performed and the products to be completed, and the OWPA must include the grant amount. The OWPA submittal package must also include a copy of the grant award notification letter.

ORIP requests three copies of the final adopted and approved OWP:

- (1) ORIP liaison's desk working copy
- (2) ORIP lending copy available to other Headquarters staff
- (3) Official ORIP file copy.

2.18 ORIP Requests an Electronic Version of the Final Adopted and Approved OWP

In addition to three hardcopies of each final adopted and approved OWP, ORIP requests an electronic copy of the final OWP. Districts should obtain these from the MPOs/RTPAs and should e-mail them to their ORIP liaison.

2.19 Accomplishing the OWP

If ORIP has received the required documentation from the District, the ORIP Fund Specialist works with Accounting (which in turn works with the State Controller) to encumber transportation planning funds for the MPO/RTPA. The MPO/RTPA can then proceed to do the work and accomplish the activities in its Final OWP. Periodically the MPO/RTPA seeks reimbursement through the District for completed OWP work for which it has paid using local funds. The form used is called a Request for Reimbursement (RFRs). (RFRs are discussed in Sections 4.04, 4.05, 4.06, and 4.07.)

Throughout the year, the District monitors completion of the MPO's/RTPA's OWP regional transportation planning activities and products. District staff maintains close communication with the MPO/RTPA as a member of advisory committees, task forces and working groups, by providing Department input for OWP activities and products, by attending meetings, reviewing Governing Board agendas and actions, commenting on draft documents, etc. District regional transportation planning staff also facilitates communication between various District and Headquarters units and the MPO/RTPA.

District regional planning keeps the MPO/RTPA informed about pertinent Department matters and keeps Department informed about pertinent MPO/RTPA matters.

2.20 OWP Amendments

It is critical that the OWP accurately reflects the transportation planning activities of the MPO/RTPA. If funding, schedules, work products, etc., change, the OWP must be revised to reflect these changes. The significance of the changes determines whether this can be accomplished administratively or with a formal amendment.

Amending the OWP requires many of the same steps as development and adoption of the original OWP. District Regional Planning staff should bear this in mind and work to approve OWP amendments in a timely manner.

The Department receives the official FHWA PL appropriation for the current year after passage of the federal budget, approximately October 1. Since OWPs follow the state fiscal year, many MPO OWPs need to be amended to update FHWA PL amounts and activities, and the OWPA's need to be amended to reflect the current FHWA PL amount. (The state fiscal year begins July 1 and ends June 30, and the federal fiscal year begins October 1 and ends September 30.)

After closeout of the prior year's OWP, the MPO/RTPA, the District and the ORIP Fund Specialist need to reconcile unexpended CPG formula fund carryover balances. After reconciliation, the affected MPOs may amend their OWPs to add-in unexpended carryover and the activities to be funded therewith and the OWPA's **must** be amended to agree with any carryover amended into the OWPs. (See Sections 3.07 and 4.09 for more information about unexpended carryover year-end closeout.)

The RPA amounts in the *OWP Guidance* also are estimates. If there are substantial population changes in one or more counties, the RPA distribution may change, resulting in an increase or decrease in the amount of RPA a rural county receives. Also, the anticipated \$4 million per year in RPA is not committed until it is included in the State Budget signed by the Governor.

FHWA PL and RPA estimates in the *OWP Guidance* are used for the Final OWP and the initial OWPA. If after budget passage these estimates are too high or too low, the OWP and the OWPA need to be amended consistent with the different amount.

2.21 Administrative Amendments

An administrative amendment is accomplished unilaterally by the MPO/RTPA. These amendments involve insignificant changes, which do not affect delivery of regional transportation planning tasks/activities/steps, products, etc. One example of an administrative amendment is the correction of errata.

There also may be changes to non-transportation planning work elements and which do not affect transportation planning funds, activities and products. These may be considered administrative amendments *so long as the changes do not result in a diversion of MPO/RTPA staff time and emphasis to the detriment of transportation planning activities and products.*

Copies of all changes to the OWP, whether administrative or formal amendments, need to be provided to Department, both to the Districts, and through the Districts to ORIP. Any changes to an MPO OWP need to be provided to FHWA/FTA.

2.22 Formal Amendments

Given the time and effort required to amend an OWP, District's should first consider if the MPO/RTPA needs to adopt a formal amendment to the OWP. For example, a modest delivery schedule change or a slight adjustment of local funds (which does *not* involve local match for CPG), could be agreed to without a formal amendment. An explanatory letter or memo and the affected pages, with the changes highlighted, would be sufficient documentation of the OWP files.

The Districts need to use some discretion to determine what triggers the need for a formal OWP amendment. If the activities and products in an existing work elements prove to be more expensive than estimated, the MPO/RTPA, may add in local funding through an informal OWP amendment, handled between the District and the MPO/RTPA. However, this does not mean the MPO/RTPA can move local match money from work element to work element without a formal OWP amendment.

If there is a modest schedule slippage to complete work activities or products, this may be noted on the Quarterly Progress and Expenditure Report. However, if there are significant delays or deletion of some deliverables, a formal amendment is needed.

A formal amendment is required if there are substantive changes to work elements funded with CPG and/or RPA *or* if the changes (regardless of funding type) impact regional transportation planning activities. **The MPO/RTPA cannot change work activities or redirect funds prior to the District's approval of an amendment.**

If an OWP amendment causes the information on the OWPA to be inaccurate, the OWPA must also be amended.

Some examples of changes which require a formal amendment:

- Addition/deletion of a work element funded with CPG and/or RPA.
- Addition/deletion of activities which impact regional transportation planning.
- A change in scope of a work element funded with CPG and/or RPA *or* which impacts regional transportation planning activities.
- A change in scope of a work element which affects the OWP as a whole.
- Substitution of fund sources within a work element; redirection of CPG, RPA or local match among work elements.
- Increase/decrease in total CPG and/or RPA in the OWP.

A change in scope means altering the broad purpose or objective of a work element. For FTA Section 5313(b) and FHWA State Planning and Research- Partnership Planning grants, a schedule change constitutes a change which requires amendment of both the OWP and the grant application.

Districts provide any and all amendments to ORIP and consult with ORIP prior to approving formal amendments.

2.23 Concurrence is Required Before the District Approves an OWP Amendment

Although the District generally has responsibility for amendment approval, some OWP changes require concurrence.

Reduction in scope-of-work, or addition/deletion of work elements and projects funded with CPG, or redirection of CPG or local match among work elements all require ORIP concurrence. Changes-in-scope are discouraged for CPG discretionary grants because they are competitively awarded. Reduction in scope-of-work or addition of work elements and projects funded with RPA, requires ORIP's concurrence.

Change-in-scope amendments involving discretionary state and federal grants administered by Division of Transportation Planning, if any, require concurrence from the administering Office, e.g., Office of Community Planning, or Office of Policy Analysis and Research, as applicable. Such changes are discouraged because these grants are competitively awarded.

Offices whose concurrence is required for an OWP amendment are encouraged to respond expeditiously, via e-mail if possible.

A ten percent (10%) change of CPG in an MPO's OWPs (either 10% in one change, or cumulatively through several smaller changes) triggers the requirement for FHWA/FTA amendment approval. FHWA/FTA request copies of *all* changes to an MPO's OWP. (See the current *OWP Guidance* for contacts and addresses.)

2.24 Approving an Amendment

The steps for approving an amendment are similar to those for approving the OWP: after Governing Board authorization, the MPO/RTPA provides the District with an amendment. The District reviews it and determines whether it can be approved. If other District or Headquarters units are affected by the amendment, it is shared with them. Amendments are always provided to ORIP.

If concurrence is required, the District does not approve the amendment without first obtaining concurrence.

Transportation planning activities cannot be added/deleted/changed, and activities *affecting* delivery of transportation planning cannot be changed, and CPG/RPA or local match cannot be added/deleted or redirected among work elements, until the District approves the OWP amendment.

2.25 The District Provides ORIP All Amendment Information

Both the District and ORIP need to have completely current and accurate copies of the OWPs, which reflect all changes, whether they are considered correction of errata, administrative, informal, or formal amendments. The District always provides the ORIP liaison with the most current OWP and OWPA. FHWA/FTA also request copies of all changes to MPO OWPs.

An OWP amendment package includes a transmittal memo, which briefly explains the amendment, with all *affected* pages of the OWP attached, e.g., revised work element pages, a revised Budget Revenue Summary, and a resolution from the MPO/RTPA Board approving the amendment. If the total CPG and/or RPA changes, the package includes an amended fully executed (signed in **blue** ink to more easily distinguish original signature from photocopies) original OWPA.

If the District does not have sole authority to approve the amendment, evidence of concurrence is also part of the OWP amendment package.

The above are needed to keep the funding contract components current and accurate, to inform ORIP about regional planning activities, to accurately track funds in the MPO's/RTPA's account, and, as applicable, for federal oversight and review.

2.26 The Deadline for OWP Amendments is April 1

The deadline for amending the current fiscal year's OWP is April 1, i.e. the amendment package must be received in the District and in ORIP by April 1.

This deadline is established to allow time to encumber additional funds, if applicable, to process RFRs, and to allow the MPO/RTPA sufficient time to complete all work during the current state fiscal year funding cycle.

In *extraordinary and compelling* instances and *on a case-by-case basis*, requests for extension of the April 1 deadline *may* be considered by ORIP. There is no assurance deadline extensions will be granted.

A complete Request for Extension package from the District to ORIP consists of an explanatory memo with attachments documenting the request.

The memo includes:

- A summary and analysis of the proposed change(s).
- An explanation of the special circumstances of the extension request.
- A statement of the consequences of *not* granting the extension.
- An assurance the work can be completed and funds expended by June 30.
- The District's recommendation to approve or deny.

The required attachments to the District's memo include:

- The revised OWP work element(s), and as applicable, Budget Revenue Summary.
- Authority from the MPO's/RTPA's Board to make the changes.
- Evidence of concurrence, as applicable.

Due to the time required for Accounting to redirect funds (which may involve the State Controller), amendments which involve an OWPA amendment, will *almost never* be considered after April 1. However, should a Request for Extension involve an amendment of the OWPA, an amended, fully executed, original OWPA also needs to be among the memo attachments.

2.27 Monitoring Progress

After the OWP is approved and the CPG/RPA funds are encumbered, the District is responsible for monitoring progress on the OWP through:

- Participation on technical advisory committees and working groups, meeting attendance, and other direct interaction with the MPO/RTPA.
- Review and circulation of any draft products (e.g., working papers, reports, tools, etc.).
- Review of Quarterly Progress and Expenditure Reports, including receipt and review of any completed products.
- Conducting Mid-year Reviews, and/or participating in MPO IPG and triennial certification reviews.
- Review for accuracy of Requests for Reimbursement including the supporting financial materials.

Note: There can be no reimbursement with RPA and/or CPG prior to:

- (1) Adoption and approval of the OWP**
- (2) Submittal of a complete and fully executed OWPA to ORIP *and***
- (3) Adoption of the State Budget.**

The District works closely with the MPO/RTPA to assure that activities are being completed on schedule, reimbursed work is accurately charged, and reimbursement is occurring timely. If there appear to be problems, the District provides immediate assistance.

If the delays with one work element are so significant the MPO/RTPA anticipates rescoping the activity or postponing activities to the next state fiscal year, the funding from the delayed work element may need to be redirected. If a work element is progressing well, but is more costly than anticipated, funds from the delayed work element may be freed up to be used for an underfunded work element. This requires an OWP amendment and District approval of the amendment *before* activities are changed and funds redirected.

2.28 Quarterly Progress and Expenditure Reports

To assure effective communication of OWP progress and to provide opportunity for timely intervention by the District, if intervention is needed, the MPO/RTPA is required to submit a Quarterly Progress and Expenditure Report within 30 days after the end of each quarter. These Reports are submitted to the District, which provides copies to ORIP.

The quarterly report describes work progress (or delays in work) and invoicing during the quarter to accomplish the OWP. The Reports are due to the Districts within 30 days after the end of each quarter of the state fiscal year:

- 1st quarter = Reports covering July 1 through September 30 are due October 31.
- 2nd quarter = Reports covering October 1 through December 31 are due January 31.
- 3rd quarter = Reports covering January 1 through March 31 are due April 30.
- 4th quarter = Reports covering April 1 through June 30 are due July 31.

The District forwards copies to ORIP within two weeks after the above due dates.

The District's transmittal memo to ORIP of the MPO's/RTPA's Quarterly Progress and Expenditure Report should highlight key aspects, particularly any fiscal and/or progress problems.

Originally in two components (a narrative and a spreadsheet format), the quarterly report has been combined into a single spreadsheet format, the Quarterly Progress and Expenditures Report. This report only needs to address regional transportation planning related activities and work elements funded with CPG and/or RPA.

The spreadsheet includes the opportunity for brief comments to reference MPO/RTPA accomplishments and/or problems for the quarter. If work is not progressing on schedule, this should be stated and new target dates should be provided; either the date when activities will be back on schedule or a new anticipated completion dates.

MPOs/RTPAs are encouraged to continue to prepare a more comprehensive narrative quarterly report. Narratives provide a convenient overview and summary of work progress for Governing Boards, transportation planning partners, members of the public, and others.

The Quarterly Progress and Expenditure Report spreadsheet includes, for example:

- The work element by number and title.
- Work progress, schedule slippages, etc.
- A list of tasks and products completed during the quarter.
- Total funds budgeted and spent for the work element by funding source and type, year-to-date expenditures of all planning funds; indirect costs, local match, etc.
- Total RPA and/or CPG expended during the quarter.
- The local match dollar amount and its identification as funds or in-kind services.

The quarterly reports keep the District regional transportation planner and the District's ORIP liaison current with OWP progress. If OWP activities are off schedule it may be appropriate to amend the OWP to reflect the new schedule. If CPG and/or RPA funds are to be redirected, or if funding changes impact regional transportation planning activities, an amendment is required.

After the end of each fiscal year, the District submits the MPOs' quarterly reports for the year to the FHWA/FTA. Although the District provides ORIP quarterly reports throughout the year, the District also forwards ORIP the annual collection of quarterly reports transmitted to FHWA/FTA. (See the *OWP Guidance* for current contacts and addresses.)

Some MPOs prefer to submit quarterly and/or end of year reports directly to FHWA/FTA, with copies to the District. In this case, it remains the District's responsibility to assure quarterly reporting is occurring, to review such reports, and to provide copies to ORIP.

The District also obtains and reviews copies of end products funded with CPG. The District makes these available to ORIP and/or FHWA/FTA upon request. Products funded with FTA Section 5313(b) and FHWA State Planning and Research –Partnership Planning grants must always be provided to ORIP.

The District also obtains and reviews copies of end products funded with RPA. These are provided to ORIP, but are not forwarded to FHWA/FTA.

The Appendix includes sample MPO and RTPA Quarterly Progress and Expenditures Reports.

2.29 Mid-Year Reviews

The District should schedule a Mid-Year review meeting with the MPO/RTPA to review OWP progress. As appropriate, the Mid-Year review may be conducted less formally, e.g., as part of another meeting, on the telephone, etc.

District staff should particularly carefully track RPA, which lapses at the end of the state fiscal year. To preclude any RPA being lost, the Districts and ORIP should work with any RTPA which cannot expend all its RPA. It is critical to free up such funds in a timely manner so other RTPAs can make use of any RPA funds that are in danger of lapsing.

Redirection of RPA, if any, would be discussed with the Rural Counties Task Force, which is composed of the rural RTPA recipients of RPA.

3 THE CONSOLIDATED PLANNING GRANT (CPG)

In 1997, FHWA/FTA instituted a transportation planning funds process called the Consolidated Planning Grant (CPG). As per the Common Rule (Title 49 Code of Federal Regulations, Part 18), state procedures apply unless they are less restrictive than federal procedures. In the latter instance, federal requirements prevail. California's implementation of CPG is as per the procedures described in this Handbook and in the MPO version of the annual *OWP Guidance*.

In California, the four CPG fund sources and types are:

- FHWA Metropolitan Planning (FHWA PL)
- FTA Metropolitan Planning, Section 5303 (FTA § 5303)
- FHWA State Planning and Research -- Partnership Planning Element
- FTA State Planning and Research, Section 5313(b) (FTA § 5313(b))

FHWA PL is a set aside, not to exceed one percent of a state's authorized funds, to be appropriated, after deductions, as per Section 104, Title 23 USC (also see § 420.103, Title 49 CFR). California's share of FHWA PL totaled approximately \$29 million in 2002/2003.

FTA § 5303 annual authorized appropriations are set forth in Section 5338, Title 49 USC. California's share of FTA § 5303 totaled approximately \$9.5 million in 2002/2003.

FHWA and FTA State Planning and Research grant funds are available as set forth in Section 307(c)(1), Title 23 USC, and Section 5338, Title 49 USC. In 2002/2003, California's share totaled approximately \$850,000 for FHWA State Planning and Research – Partnership Planning Element and approximately \$1.6 million for FTA § 5313 (b).

There are some key differences among these four components:

- FHWA PL and FTA § 5303 are allocated to MPOs, per formula, from the annual federal apportionment to California. Non-MPO RTPAs do not receive these funds.
- The two discretionary grants - FHWA Partnership Planning Element and FTA § 5313(b) - must be applied for annually and are competitively awarded. RTPAs and MPOs may apply.
- FHWA and FTA funds are administered on different time lines. Around October 1, with the federal budget, FHWA funds are appropriated and apportioned for the current federal fiscal year, and FTA funds are appropriated for the following federal fiscal year.
- FHWA PL and FTA § 5303 may be carried over from year-to-year.
- FTA § 5313(b) and FHWA State Planning and Research – Planning Partnership Element may be carried over, but must be expended within three years (one year to encumber, plus two years to liquidate), consistent with the grant application representations, and as shown in the OWP work elements.

Each year, ORIP solicits applications for FHWA State Planning and Research – Partnership Planning Element and FTA § 5313(b) discretionary grants through request for grant applications. The grant application package provides more specific information about these

grants, filing procedures and deadlines, rating criteria, etc. (For more information go to: <http://www.dot.ca.gov/hq/tpp/offices/orip/grants.htm>)

3.01 Metropolitan Planning, FHWA PL and FTA § 5303

MPOs receive FHWA PL and FTA § 5303 funds each year to develop transportation plans and programs. All MPOs receive FHWA PL funds and all MPOs with an urbanized area receive FTA § 5303 funds each year. TMPO is the only MPO, which does not currently receive FTA § 5303 funds.

The percentage of the California apportionment of FHWA PL and FTA § 5303 each MPO receives is determined by a formula agreed to by the MPOs, Department and FHWA/FTA.

The FHWA PL formula has two components:

- (1) A two-part population component which distributes funds by the proportion of the total population of each MPO based on California Department of Finance estimates each January
- (2) An air quality component based on the proportion of federal Congestion Mitigation Air Quality (CMAQ) funds to total programmatic FHWA PL funds

The FTA § 5303 formula has two components:

- (1) A base allocation
- (2) A population component which distributes funds according to the MPO's percentage of statewide urbanized area population as of the most recent decennial census.

The FHWA PL formula refers to *total* population, but the FTA § 5303 formula refers to *urbanized area* population. Also, the FHWA PL population number is adjusted annually, but the FTA § 5303 population number is only adjusted after each decennial census.

Per Title 23 U.S.C. § 104 (f), an amount not to exceed one percent of funds authorized to be appropriated for expenditure upon programs (less authorized deductions as per § 104(a)) is set aside for metropolitan planning, i.e. FHWA PL.

Per Title 49 U.S.C. § 5338 (c), (h), and (i) amounts authorized for FTA § 5303, and 5313 (b) are set forth by year.

3.02 FHWA State Planning and Research – Partnership Planning Element

Any MPO/RTPA may compete for FHWA State Planning and Research – Partnership Planning Element, but proposals must be jointly submitted with Department. Grants are for Department and MPOs/RTPAs to jointly perform and jointly fund transportation planning studies having statewide benefit and/or multi-regional significance.

3.03 FTA State Planning and Research § 5313(b)

MPOs/RTPAs may compete for FTA § 5313(b) grants, on their own behalf or on behalf of one or more subrecipients. Examples of subrecipients are transit operators, public agencies, private non-profit or community based organizations, universities, training institutes, and Native American Tribal Governments.

There are three FTA § 5313(b) components:

- Transit Technical Planning Assistance
- Statewide Planning Studies
- Transit Professional Development.

Transit Technical Studies Grants fund the preparation of public transit and/or intermodal transportation planning efforts in rural areas.

Statewide Planning Studies Grants fund transit issue studies of statewide or multi-regional significance to reduce urban congestion through transit, and/or improved transit service.

Transit Professionals Development Grants fund training for transit planning professionals and student interns using public or private training entities (not MPO/RTPA or transit agency in-house staff) with public transportation expertise.

3.04 California's Implementation of the CPG

Implementation of the CPG in California is described in this Handbook and in the annual MPO version of the *OWP Guidance*. These are the references the Districts should use and these are the references the Districts should share with the MPOs. Both are posted on the ORIP website <http://www.dot.ca.gov/hq/tpp/offices/orip/orip.htm>

Rather than each MPO and any RTPA recipient of a CPG discretionary grant applying individually to FHWA and to FTA, Department makes application for all of California. Through Headquarters Accounting, ORIP annually establishes CPG expenditure authorizations (EAs.) Pre-CPG, each of these was an MPO, RTPA or District responsibility.

Districts no longer need to obligate/deobligate funds each fiscal year and ORIP has standardized Request for Reimbursement (RFR) and other procedures. The transfer of CPG funds is accomplished through a single Master Fund Transfer Agreement between Department and each MPO/RTPA rather than several source-specific fund transfer agreements.

To satisfy federal Intergovernmental Review, Presidential Executive Order 12372, ORIP now files Office of Management and Budget Forms STD 424 with the State Clearinghouses on behalf of all MPOs/RTPAs.

3.05 Local (Non-Federal) Match

Like most other federal funding sources, CPG requires a state or local match. The non-federal match rate for FHWA PL funds is 11.47 percent, and beginning in July 2001, and continuing through the end of TEA-21, fiscal year 2003, the non-federal match required for FTA § 5303 and FTA § 5313(b) is 11.47 percent. ORIP will negotiate with FTA to extend the 11.47 percent match for the FTA sources beyond October 2003.

The non-federal match required for FHWA State Planning and Research – Partnership Planning Element is 20 percent.

The ORIP Fund Specialist can provide a spreadsheet with preset calculations to assist Districts and MPOs/RTPAs to accurately compute local match.

- The local match is a percentage of the total sum of the federal participation amount *plus* the required non-federal participation amount. It is not only a percentage of the federal participation amount.
- The match is calculated work element-by-work element. It is not a percentage of total federal funds in the OWP. (On the OWPA, though, the match is the minimum required local match calculated on the total of each CPG funding source and type in the OWP. [See Section 2.05 for more information about OWPA's.]
- If different federal sources and types are among a work element's funding sources, local match must be calculated for each federal source and type.

Three local match calculation considerations are:

- 1.) The local match rate is calculated on the total sum of the federal participation amount plus the required (non-federal) local share amount, not just the federal participation amount.

Assuming an 11.47% local match rate, to determine the local match amount if only the federal participation amount and federal participation percentage rate are known:

The total of the federal participation amount (\$88.53) divided by the federal participation percentage rate (.8853) equals the sum of federal participation plus the mandatory local match.

$\$88.53 \div .8853 = \100 (the quotient is the sum of federal participation plus the mandatory local match)

This quotient (\$100) multiplied by the local match rate (.1147) yields the local match amount.

$\$100 \times .1147 = \11.47 (local match amount)

2.) The local match rate is calculated work element-by-work element. It is not a percentage of total federal funds in the OWP.

Each work element in the OWP, the OWP Budget Revenue Summary, and each RFR must reflect the mandatory local match by work element. Including more than the mandatory minimum local match in one work element (sometimes called “overmatching”) cannot be “balanced” with less than the mandatory local match in a different work element (sometimes called “undermatching”).

Obviously, local match, like other sources in the OWP cannot be redirected among work elements without amending the OWP, and as appropriate also the OWPA. (See Sections 2.20, 2.21, 2.22, 2.23 and 2.24 for information regarding OWP amendments.)

3.) If more than one federal source is among a work element’s funding sources, local match must be calculated for each federal source.

The work element includes an \$80 federal participation amount of State Planning and Research – Partnership Planning Element funds, which requires a 20% local share, and an \$88.53 federal participation amount of FHWA PL funds, which requires an 11.47% local share.

$$\$80 \div .80 = \$100$$

$\$100 \times .20 = \20 (the mandatory local match for the State Planning and Research – Partnership Planning Element portion), and

$$\$88.53 \div .8853 = \$100$$

$\$100 \times .1147 = \11.47 (the mandatory local match for the FHWA PL portion)

Each work element entry on each RFR must show at least the mandatory local match amount. A higher match amount (overmatch) on one RFR cannot compensate for a lower match (undermatch) on a previous or subsequent RFR.

Federal participation may also be matched with services, i.e. work performed which benefits the project, provided it is not funded with federal funds. This is called “in-kind” or “soft match”. Some examples of “soft match” are the value of community advisory committee members’ services, the value of volunteer services, and the value of services provided to a specific MPO/RTPA planning work activity by a subregional agency, or city or county staff.

In the instance of “in-kind” or “soft-match” local participation, the District needs to verify such services are not funded with a different federal funding source and such services are not also inadvertently charged as Indirect Costs. The MPO/RTPA needs to provide solid supporting documentation when “in-kind” is used as the local match. (Section 4.04 provides more information about Indirect Costs.)

If federal sources are used to fund consultant contracts, a “hard” match, i.e. non-federal funds, is preferred. If “in-kind” match is to be used, the District needs to carefully review the in-kind services match to assure it:

1. Was funded with non-federal funds (e.g., with Planning Programming and Monitoring (PPM), local sales tax measure, etc.), and
2. Adds some benefit to the consultant contract, i.e. makes it better or less expensive. For example, a local agency could provide data the consultant will not need to be paid to collect.

3.06 When to include CPG Discretionary Grant Funds in OWPs and OWPA

Although for information purposes the draft OWP should include work activities to be funded with CPG discretionary funds applied-for-but-not-yet-awarded, the Final OWP should generally only include **committed** funding, i.e., fully funded work elements.

In response to requests from MPOs/RTPAs, applied-for-but-not-yet-granted CPG discretionary grant funds and the work activities to be funded therewith *may* be included in the Final OWP. However, both the activities in the individual work elements and the Budget Revenue Summary must clearly be marked to show there is no assurance that CPG discretionary grant funds will be awarded and there is no assurance that the work activities proposed to be funded therewith will be accomplished.

Only committed funds are shown on the executed OWPA. If a CPG discretionary grant is later awarded, the OWPA must be amended to include it.

If applied-for-but-not-awarded CPG discretionary grants are not shown in the Final OWP, after award, they and the work activities they will fund, need to be amended into the OWP and the OWPA needs to be amended to reflect these grant funds. The OWP work element must always be consistent with the representations in the grant application. If there are changes as the project progresses, both need to be amended.

3.07 Unexpended Carryover

An MPO may use unexpended FHWA PL and FTA § 5303 funds in a future fiscal year provided the following are met:

- The MPO has submitted a Certification of Expenditure by Fund Source, including the Final Statement of Expenditures, within sixty days after the end of every state fiscal year, executed by an individual to whom the Governing Board has designated signature authority (usually the Executive Director or Finance Officer.)

and

- The District, MPO and the ORIP Fund Specialist have reconciled the unexpended FHWA PL and/or FTA § 5303 balances at the end of each fiscal year.

FTA § 5313 (b) and FHWA State Planning and Research – Partnership Planning Element may be carried over but must be liquidated within three years of award. Funds must be expended as per the grant application and schedule, and as shown in the OWP work

elements for the applicable fiscal years. If there are changes, both the grant application and the OWP must be amended.

An MPO/RTPA recipient may use unexpended FTA § 5313(b) and FHWA State Planning and Research – Partnership Planning Element funds in a future year provided:

- The three year time limit to expend grant funds has not been exceeded, i.e., year of award plus two years, and
- Both the OWP work element and the grant application reflect the multi-year expenditure schedule.

CPG carryover amounts and work to be accomplished therewith should be included in the Final OWP; however FHWA PL or FTA § 5303 programmed in the current OWP cannot be included in the next year's Final OWP and OWPA until after balance reconciliation. After closeout of the current year's OWP and balance reconciliation the MPO may amend some or all of these amounts, and the activities to be funded therewith, into the OWP and the OWPA. (See Section 4.08 for more information about Closeout.)

If an MPO has FHWA PL or FTA § 5303 not programmed in the current OWP, such amounts may be included in the next year's Final OWP. The OWPA cannot include separate current year and carryover entry lines. The combined total of the current year's amount plus any carryover amount must be entered on the respective CPG fund source and type line. Along with the OWPA, the MPO/RTPA must provide an explanatory letter or memo specifying:

- Current year amounts
- Carryover amounts by CPG fund source, type, and allocation year

Both the original fully executed OWPA (signed in **blue** ink to more easily distinguish original signatures from photocopies) and the executed original of the MPO/RTPA explanatory memo or letter are filed with the ORIP Fund Specialist.

3.08 Reconciliation of CPG Carryover Balances

After the MPO has submitted its Year-end Package, the ORIP Fund Specialist establishes the MPO's remaining balances of prior years' FHWA PL and FTA § 5303. ORIP then prepares a balance reconciliation letter. Should there be disagreement about the balance, the ORIP Fund Specialist, the District, and the MPO work together until they achieve balance reconciliation. (See Section 4.08 for more information about Year-end Packages.)

Signed by the ORIP Office Chief, the MPO and the District Director, the letter demonstrates concurrence of all involved parties.

After balance reconciliation, the MPO may amend its OWP to include some or all of this FHWA PL and/or FTA § 5303 carryover and the activities to be funded therewith. The OWPA must be amended accordingly, including the required local match.

4 ORIP-ADMINISTERED TRANSPORTATION PLANNING FUNDS

Of the various local, state and federal fund sources and types included in OWPs, this Handbook only addresses administration of federal Consolidated Planning Grant (CPG) and state Rural Planning Assistance (RPA). (See Chapter 3 for more information about CPG and Section 4.03 for more information about RPA.)

4.01 Non-ORIP-Administered Transportation Planning Funds

Non-ORIP administered transportation planning funds are not covered by the regional transportation planning MFTA and the OWPA and their application and encumbrance procedures are not addressed in this Handbook. More information is available at the listed websites.

The Division of Aeronautics administers aviation planning funds:

<http://www.dot.ca.gov/hq/planning/aeronaut/>

Planning, Programming and Monitoring (PPM) funds are administered by Division of Local Assistance:

<http://www.dot.ca.gov/hq/LocalPrograms/>

Transportation Development Act (Local Transportation Fund and State Transit Assistance) funds are administered by the Division of Mass Transportation:

<http://www.dot.ca.gov/hq/MassTrans/>

When there is funding for non-CPG Division of Transportation Planning (DOTP) grants, e.g., Environmental Justice/Community Empowerment or Community Based grants, there will be a combined DOTP grant application solicitation package, which includes:

- FHWA State Planning and Research – Planning Partnership Element
- FTA § 5313(b) Elements
- Any other DOTP grant, e.g., Environmental Justice/Community Empowerment, Community Based Transportation Planning, etc.

Despite the combined grant application solicitation package, only ORIP-administered grants are encumbered through the regional transportation planning MFTA and the OWPA, and MPOs/RTPAs may only use the Request for Reimbursement (RFR) for ORIP-administered funds.

4.02 Use of Transportation Planning Funds

As the name indicates, transportation planning funds are to be used for transportation planning. They cannot be used for project development such as project initiation documents (PIDs), and project study reports (PSRs); or project implementation, such as rideshare activities or transit administration. For example, studying whether a traffic impact fee would benefit transportation in the region and even determining appropriate fee levels are acceptable uses, but implementation of the traffic impact fee program goes beyond planning and is not an acceptable use.

Some examples of eligible uses for transportation planning funds include:

- Development of regional transportation plans (RTPs), transportation improvement programs (RTIPs and FTIPs), needs assessments, corridor and corridor preservation studies, major investment studies; environmental compliance of RTPs and TIPs; involvement of federal permit and approval agencies early and continuously in the planning process.
- Adoption of policies and strategies to enhance movement of people, goods, services, and information; planning integration of intelligent transportation systems (ITS); and inclusion of multimodal solutions such as transit, bicycle, pedestrian and intermodal facilities in plans and programs.
- Coordination of transportation planning with land use, open space, jobs-housing, environmental, and growth management planning; smart growth/alternative scenario/context sensitive solution planning.
- Involvement of the public in planning activities, with periodic evaluations of outreach effectiveness; participation plan updates and enhancements; consensus building, and efforts to extend transportation planning to communities previously not engaged in the process; interagency consultation.
- Development of transportation planning, travel forecasting, and transportation-related air quality tools, models and modeling activities.
- Establishment and conduct of government-to-government formal consultation with Native American tribal governments.
- Ensuring compatibility of local, regional, statewide and interregional plans; and identification of mobility and access needs and system continuity within and between areas and regions.
- Preparation of Overall Work Programs, Overall Work Program Agreements, Amendments to OWPs and OWPAs, and planning Fund Transfer Agreements.
- Identification of ground transportation issues at and related to interstate and international border crossings, freight hubs, parks and recreation areas, monuments, historic sites, and military installations; closed military base reuse transportation issues; and ground access to seaports and airports.
- The study of methods to reduce vehicle travel and enhance mobility options.
- Identification of policies, strategies, and programs to preserve transportation facilities and optimize transportation infrastructure utility.

4.03 Rural Planning Assistance (RPA)

RPA is part of a line item in the State Budget, which ORIP annually allocates to the rural, non-MPO, RTPAs. RPA is available on a reimbursement basis and must be fully expended during the one year term of the OWP. It may *not* be carried over from one state fiscal year to another. The RTPA loses unexpended amounts June 30 when each state fiscal year ends. Expenses incurred prior to June 30 can be reimbursed for up to sixty days after June 30. (See Section 4.09 for more information about Year-End Packages.)

4.04 25% Limit on use of RPA for Administrative Purposes

Not more than twenty-five percent of RPA money may be expended for the rural RTPA's administrative purposes. This limitation imposed on State Subvention funds, carries over to its successor, RPA. District staff should review the draft OWP for adherence to this limit.

To distinguish an "administrative use" from a "planning use", the District may need to request clarification from the RTPA, particularly if activities in the OWP are grouped into fairly broad generic categories and not described with specificity. District staff should work with the RTPA partners to assure OWP language is sufficiently descriptive to avoid confusion.

For example the terms "clerical support" and "photocopies" appear to obviously be administrative. If, however, "clerical support" means mailing invitations to a transit planning round table meeting, this would be a component of a transit planning activity. Likewise, if "photocopies" means reproducing these mailers, this too would be a component of that same transit planning activity.

4.05 Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP)

If an MPO/RTPA wishes to receive reimbursement for indirect costs (i.e., overhead, which is defined as costs benefiting more than one work activity or causing disproportionate efforts to assign to specific work attributable to its planning program), it must submit an Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP) to the District between February and May, for the fiscal year to begin July 1.

It is the District's responsibility to assure the MPO's/RTPA's proposed ICAP is sent to Headquarters Audits and Investigations (Audits), even though some MPOs/RTPAs may submit their ICAP directly to Audits. **If an MPO/RTPA has not submitted an ICAP, it is the District's responsibility to confirm whether the MPO/RTPA has submitted the ICAP directly to Audits, or whether the MPO/RTPA does not intend to bill indirect costs.** If the MPO/RTPA does

charge indirect costs, the District must obtain a file copy of the approved ICAP from Audits.

Two ICAP references are Office of Management and Budget Circular A-87:

<http://www.whitehouse.gov/omb/circulars/ao87/a087-all.html>

and Local Programs Procedure 00-02, LPP 00-02:

<http://www.dot.ca.gov/hq/LocalPrograms/lpp/LPP00-02.pdf>

The exhibits to LLP 00-02 include an ICAP worksheet. If the MPO/RTPA has questions about ICAPs, the District should direct them to Audits.

4.06 Requests for Reimbursement (RFRs)

CPG and RPA are provided on a reimbursement basis only. Once the MPO/RTPA has an adopted and approved OWP, has a fully executed original OWP filed with the ORIP Fund Specialist, and the State Budget has been signed by the Governor, the MPO/RTPA can request reimbursement for eligible OWP expenditures.

To be reimbursed for OWP work, which has been completed and for which the MPO/RTPA has paid using local funds, the MPO/RTPA submits a Request for Reimbursement (RFR). (See the RFR Procedures Flowchart on pages 4-6.)

Unless the MPO's/RTPA's MFTA provides differently, RFRs may not be submitted more frequently than once per month and may not be submitted less frequently than quarterly. If RFRs are submitted less frequently than quarterly, it is very difficult for the District and for the MPO/RTPA to monitor expenditures and to assure OWP activities and products are progressing on schedule.

ORIP has developed Request for Reimbursement forms for:

- MPOs
- RTPAs seeking reimbursement only for RPA
- RTPAs seeking reimbursement for §5313(b) and/or SPR-Partnership Planning funds

To assist the MPOs/RTPAs, the Districts, and ORIP to accurately monitor CPG expenditures, beginning in 2003/2004, RFR forms are multi-page documents; page one summarizes the request and the subsequent page(s) provides supporting financial information. The RPA-only RFR does not require supporting financial information pages. Districts may also request supplemental information or documentation if there are concerns.

FY ORIP District liaisons provide electronic versions of these forms to the Districts.

The Appendix includes sample RFRs.

4.07 Timely District Review of RFRs

It is the District's responsibility to review all RFRs to ensure expenditures are bona fide, accurate, for eligible activities, and for delivered products, completed in accordance with work elements in the OWP. For CPG, the District also verifies the RFR reflects the appropriate local match amount. (Section 3.05 provides information about local match).

RFRs must be reviewed and processed in a timely manner. The District should forward the RFR to the ORIP Fund Specialist for coding within 10 days after receipt in the District to allow time for coding and turn around. The District (including coding through ORIP) has a total of 15 calendar days from date of receipt in the District to send the approved RFR to Accounting.

If there are problems with the RFR, within 15 calendar days from receipt in the District, the District must formally notify the MPO/RTPA, both by phone and in writing, of an error in the RFR (Section 4.07 provides information about Inaccurate RFRs).

Accounting has fifteen days to authorize payment and the State Controller's Office has another fifteen days to issue the actual payment check.

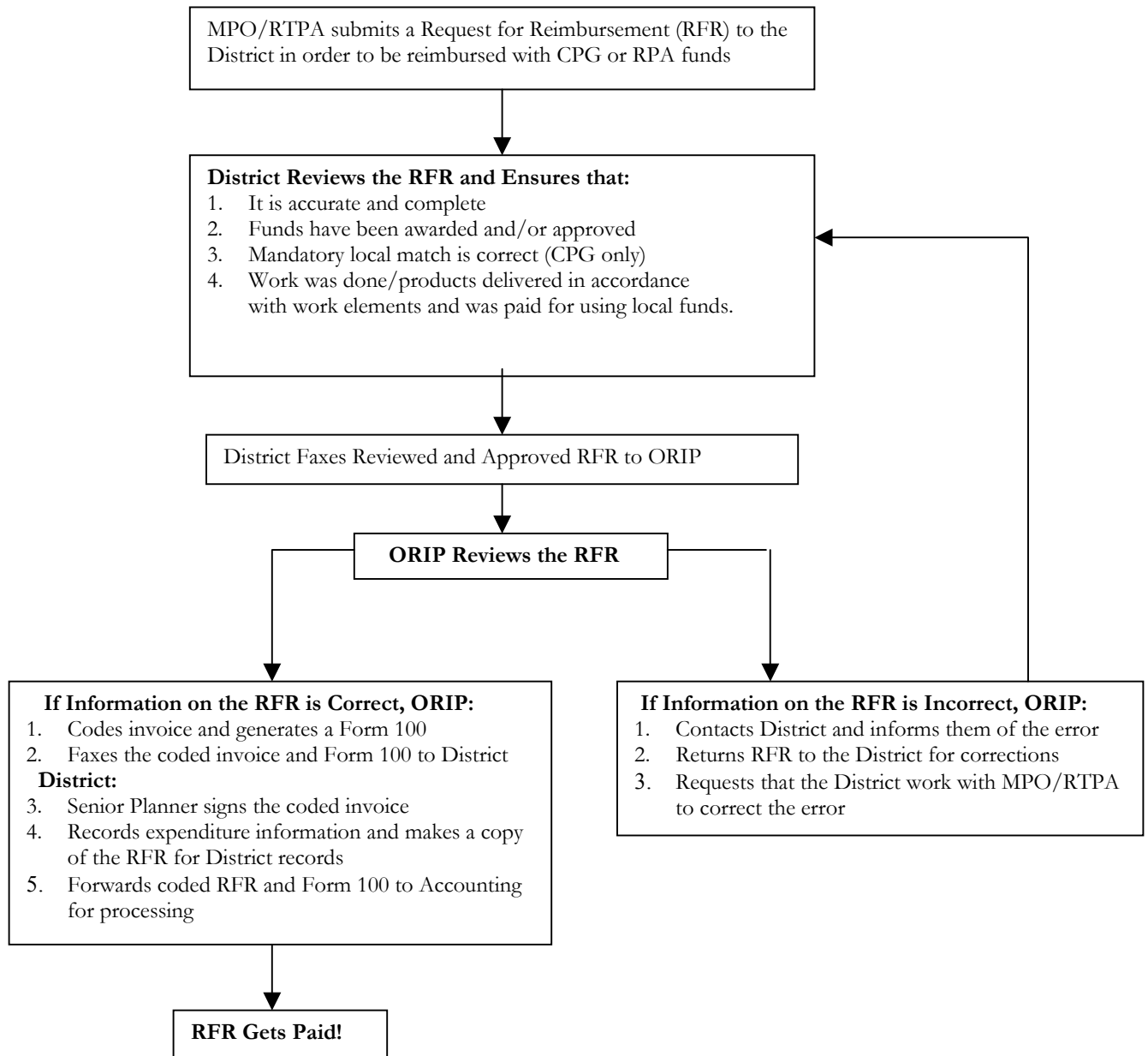
RFR Flow: The District reviews the RFR for accuracy and, if accurate, faxes the RFR to the ORIP Fund Specialist who works with the District to code the bottom of the RFR.

The ORIP Fund Specialist faxes the coded RFR to the District with a coversheet (Form 100) advising Accounting the coding is consistent with the processes agreed to between ORIP and Accounting. **The District should make no changes to the Form 100 from the ORIP Fund Specialist.** Accounting has directed its staff to only process RFRs that include the Form 100 coding accuracy confirmation coversheet.

The District's Senior Transportation Planner whose unit is responsible for regional planning, and for OWP administration and monitoring, signs the RFR. If the District signs the RFR prior to it being faxed to the ORIP Fund Specialist, the District's signature affirms the District's agreement with, and approval of, the RFR. If the District elects to sign the RFR only after the ORIP Fund Specialist provides coding information, the act of faxing the RFR to the ORIP Fund Specialist signifies the District's agreement with, and approval of, its content. The District should also affirm its approval with a brief statement on the fax transmittal sheet to the Fund Specialist.

The District sends the RFR and the ORIP Fund Specialist's Form 100 to Accounting via interoffice mail or fax.

RFR PROCEDURE



If the District finds inaccuracies in the RFR, the District must work with the MPO/RTPA to get a corrected RFR. (See Section 4.08 for more information.)

4.08 Inaccurate RFRs/Dispute Notification Form

Within 15 working days of receipt, the District must notify the MPO/RTPA if the District finds an inaccuracy in an RFR. District staff works with the MPO/RTPA to correct any and all errors prior to forwarding an RFR to Accounting for payment. This involves both telephone and written communication with the MPO/RTPA. For example:

- District staff phones the MPO/RTPA to discuss the specific RFR concerns, *and*
- District staff makes a written record of both the specific concern and the phone conversation communicating the concern using Invoice Dispute Notification form STD 209.

Form STD 209 is a multi-copy NCR (no carbon required) form. Within 15 working days of receipt of the inaccurate RFR, the District must send the white and goldenrod copies to the MPO/RTPA. The white copy is for the MPO's/RTPA's file. The goldenrod copy is to be returned to the District with a corrected RFR.

If the District fails to adhere to the 15 working day mandated notice timeframe, the District is liable for paying interest on the RFR balance. To avoid this interest penalty, the District must document its communication with the MPO/RTPA about the inaccuracy in the RFR.

Copies of STD 209 are available from ORIP.

4.09 Year-End Package

Within 60 days after June 30, the state fiscal year, each MPO/RTPA must closeout the OWP through submittal of a Year-End Package.

MPO Year-end Package

The following documents make up the year-end package for the MPOs:

- RFR clearly marked “FINAL” (advising that no additional RFRs will be submitted for the OWP),
- Certification of Expenditure by Fund Source that has been executed by an MPO entity who has specific signature authority from the Governing Board (usually the Executive Director or Finance Officer) and
- Final Statement of Expenditures – a summary of the total amount of federal funds expended for a work element by fund source and type, i.e., FHWA PL and FTA § 5303. It must match the reported expenditures contained in the Certification of Expenditure by Fund Source.

ORIP and Accounting use the Certification of Expenditure by Fund Source to close the MPO's account for the fiscal year. This document is critical to enable Department to assure FHWA PL and FTA § 5303 carryover balances are accurately credited to the MPO's account.

After the District has received the coded RFR marked "Final" from the ORIP Fund Specialist, they can then proceed to compile the year-end package. The District forwards the complete package to the ORIP Fund Specialist. The ORIP Fund Specialist forwards a copy to Accounting. (See Section 3.08 for information about CPG Balance Reconciliation.)

The Appendix includes a sample Certification of Expenditure by Fund Source, including the Final Statement of Expenditures.

RTPA Year-end Package (RPA Funds Only)

For RTPAs who receive only RPA, the Year-End Package consists of the RTPA's last RFR clearly marked "FINAL". This is to advise Accounting that there will be no additional RFRs submitted for the OWP.

Because RPA cannot be carried over from year-to-year, there is no reconciliation of RPA balances.

4.10 FTA § 5313(b) and/or FHWA SPR-Partnership Planning Grant Closeout Package

When MPO/RTPA recipients of FTA § 5313(b) and/or FHWA SPR-Partnership Planning grants have completed their grant-funded projects, they must close out those grants. This process follows the same steps as the MPO Year-end Closing.

The MPO/RTPA submits an RFR marked "FINAL", a Certification of Expenditure by Fund Source, including the Final Statement of Expenditures, executed by an entity who has specific signature authority from the Governing Board (usually the Executive Director or Finance Officer).

The District forwards the complete package to the ORIP Fund Specialist. The ORIP Fund Specialist forwards a copy to Accounting.

The Appendix includes a sample Certification of Expenditure by Fund Source, including the Final Statement of Expenditures.

4.11 Annual MPO/RTPA Fiscal and Compliance Audit

As stipulated in the MFTA, and as a condition of receiving transportation planning funds, MPOs/RTPAs undergo an annual fiscal and compliance audit. This audit may be part of another audit, e.g. a federal or Transportation Development Act audit.

- The annual fiscal and compliance audit report must be submitted to the District within 180 days after June 30, i.e. by January 1st of the following calendar year.
- District staff reviews the audit report to ensure correct CPG and RPA planning funds amounts and uses.
- If the auditor identifies deficiencies in an MPO's/RTPA's accounting or administrative system, the MPO/RTPA and the District must work to develop a corrective action plan. The identified deficiencies will determine the corrective action needed. It may be straightforward, e.g., increasing records retention to at least three years, or it may be more complicated, e.g., developing a better accounting and monitoring procedure.
- The District must provide ORIP a copy of the corrective action plan.
- The District must monitor and evaluate resolution of any deficiencies and provide ORIP written progress reports.

Also see Office of Management and Budget Circular A-133:
<http://www.whitehouse.gov/omb/circulars/a133/a133.html>

4.12 Audit Report Distribution

MPOs submit five audit copies and RTPAs submit three copies of the audit to the District.

Within 45 days after receipt, i.e. no later than February 15, the District shall distribute copies of the audit report as follows:

RTPAs:

- District retains one copy for review and reference.
- District forwards one copy to ORIP.
- District forwards one copy to Headquarters Audits & Investigations.

MPOs:

- District retains one copy for review and reference.
- District forwards one copy to ORIP.
- District forwards one copy to Headquarters Audits and Investigations.
- District forwards one copy to Headquarters Accounting
- District forwards one copy to FHWA/FTA at:
980 Ninth Street, Suite 400, Sacramento, CA 95814-2724

Some MPOs/RTPAs submit their Audit Reports directly to FHWA/FTA and/or to Headquarters Audits and Investigations. It is the District's monitoring responsibility

to assure the Audit Report is submitted whether it is routed through the District or directly to FHWA/FTA and/or to Audits and Investigations at Department Headquarters, Sacramento.

4.13 Records Retention

As stipulated in the MFTA, the MPO/RTPA must retain all documents, books and records connected with the funds transferred to the MPO/RTPA, and performance requirements related to those funds. The retention period is three years from the date of the final payment to the MPO/RTPA or until audit resolution is achieved, whichever is later. In the event of multi-year projects, all records must be retained for a minimum of three years after the project's closeout year.

Like other conditions, record retention applies to the MPO's/RTPA's contractors and sub-contractors.

Additionally, if any action has commenced relative to said records (e.g., litigation, claim, arbitration, audit, negotiation, etc.) the records must be retained until completion of said action and resolution of all issues which arise from it.

Whether for three years or for a longer period, for as long as they are retained, records shall be available for inspection by state and/or federal representatives and requested copies shall be provided to them without cost.

A sampling of the kinds of records that need to be retained includes:

- OWPs, OWPAs, MFTAs, and any amendments.
- Products, e.g., working papers, studies, plans, programs, models, etc.
- RFRs and Year-end Packages, fund tracking spreadsheets
- Billings, payable/receivable records, and financial summaries
- Certification of Expenditure by Fund Source, including the Final Statement of Expenditures
- Quarterly Progress and Expenditures Reports
- Contracting and procurement information and procedures, e.g., requests for proposal (RFPs), proposals received, contracts, consultant products, etc.

The above-described records retention period is the minimum.

4.14 Electronic Submittals

In an effort to facilitate availability and accessibility to transportation partners and users, MPOs/RTPAs are requested to submit electronic versions of OWPs, RTPs, and other documents and information. After adoption, MPOs/RTPAs should submit electronic products to the Districts, which forward copies to ORIP. As appropriate, these will be posted on the ORIP website listed in Section 1.07.

ORIP has implemented electronic formats of its tools and documents.

5 THIRD PARTY CONTRACTS

Some OWP work cannot be accomplished by MPO/RTPA in-house staff and will be contracted out, i.e., contractors or consultants will be hired to perform the work. The agreements between the MPO/RTPA and the contractors are referred to as “third party contracts”. Contracting out is also called consultant procurement. In this chapter, consult, consultant, contract, contractor, third party and third party contracts will be used interchangeably.

When work is contracted out, all state and federal compliance responsibilities of the MPO/RTPA apply to these consultants/contractors/third parties as they do to the MPO/RTPA. If portions of the work are further contracted out to subcontractors, the subcontractors are bound as well, i.e., any sub-recipient is bound.

If the MPO/RTPA passes CPG or RPA or any other state or federal funds through to their sub-regional agencies, third party contract procedures apply to any contracts, which the sub-regions let.

Contracted out work needs to be identified or labeled as such in the OWP and contracting out oversight is a District responsibility. District should monitor third party contracts throughout, from request for proposal (RFP) through closeout evaluation. (See Section 5.04 for Contract Review Points.)

Planners are not lawyers and Department is not the attorney for MPOs/RTPAs, thus the District does not review and *approve* contracts or contract *language*. District oversight focuses on equitable contracting procedures and quality output by the MPO/RTPA, e.g., inclusive advertisement, solid requests for proposal, objective selection, sound cost accounting, timely delivery, quality results, and production of high quality work.

District oversight may involve participation in the development of the contracted-for products, e.g., the District may be part of the working group which develops a public participation plan evaluation and adds enhanced outreach efforts to the plan update, or the District may provide data for alternative scenario planning or needs assessments, or the District may participate in creation of the regional transportation plan, the bike plan, the long range transit plan, corridor studies, etc. (See Section 5.04 for contract review points.)

5.01 Open and Competitive

Consultant procurement always needs to be done in an open and competitive manner, which is inclusive, and includes certified Disadvantaged Business Enterprises (DBEs); the best quality work at the fairest price. (See Section 5.03 for more about Disadvantaged Business Enterprise.)

5.02 Contracts Smaller Than \$100,000

Third party contracts for less than \$100,000 (also referred to as Personal Services Contracts or Small Purchases Procedures) may be awarded through a fairly informal procedure where price or rate quotations are obtained from an adequate number of sources.

This \$100,000 amount is a cumulative limit for services procured of any individual consultant or consulting firm on a contract or procurement document. This means that if an existing contract or procurement, which was procured using an informal procurement procedure, is to be amended for additional funds which will result in the contract being in excess of \$100,000 a new procurement is necessary.

Price or rate quotations shall be obtained from qualified available sources. Generally, this means a minimum of three consultants or vendors should be solicited for quotes. For these smaller contracts, the MPO/RTPA must prepare and retain the following information, in addition to other contracting documents to support the procurement:

- An explanation of the services needed from the consultant and why the MPO/RTPA staff cannot provide them.
- Documentation indicating which firms or consultants were contacted and whether they were interested in providing price or rate quotations .
- Copies of the written price or rate quotations and proposals,
- The name and qualifications of the consultant who provided the services and a copy of the contract.
- Documentation of the fees, showing how the fee was calculated and that it is reasonable by comparative standards.

5.03 Contracts for \$100,000 or More

Third party contracts for more than \$100,000 must be awarded through the procedures described in detail in Chapter 10 of the *Local Assistance Procedures Manual* and in Local Program Procedure 00-05, *Revised Pre-award Audit Requirements and Consultant Procurement* (LPP 00-05).

<http://www.dot.ca.gov/hq/LocalPrograms/lpp/LPP00-05.pdf>

Contracts larger than \$250,000 must also satisfy the pre-award evaluation requirement described in LPP 00-05. If there is unfamiliarity with the consultant or uncertainty about the consultant's fiscal capability, pre-award evaluations may be advisable or required for smaller contracts. (See Section 5.02 and LPP 00-05.)

5.04 Six Contract Steps

The contract process has six steps:

- Determination that the work can best be accomplished by a consultant.
- Selection of the appropriate contracting method.
- Development of a request for proposal (RFP), request for qualifications or invitation for bid (this will depend on the contracting method chosen).
- Advertisement for project to solicit bids or proposals.
- Consultant selection and contract negotiation.
- Contract approval and execution.
- Contract performance monitoring, evaluation, and closeout.

5.04.a Determination of How to Best Accomplish the Work

In determining whether work activities are to be performed by staff or consultants, the MPO/RTPA must assess its needs and staff resources: Is contracting the most cost-effective and efficient way to get the work done? A consultant contract should only be pursued if use of in-house staff is not a practical option.

Like work performed by in-house staff, transportation planning contract activities, products, schedule and funding need to be shown in the MPO's/RTPA's OWP. They need to be identified as contracted out consultant work.

5.04.b Contracting Methods

There are several consultant selection processes, e.g., sealed bid, competitive proposals (also called competitive negotiation), and non-competitive proposals (also called sole source). Competitive negotiation process using Requests for Proposals (RFPs) is most commonly used for transportation planning work.

Sealed bid/lowest cost contracting is appropriate for construction contracts, or procurement contracts (e.g., office supplies and equipment). Transportation planning third party contracts require competitive selection.

Personal Services Contracts, i.e., smaller contracts for less than \$100,000, may be awarded after consideration of price or rate quotes from at least three different consulting entities, whenever possible. As stated above, contracts exceeding \$100,000 (individually, including any amendments or augmentations, or a series of smaller contracts with one consultant or consulting firm, which together total more than \$100,000) require a competitive procurement process be used.

Because sole source contracts can only be pursued if one of the following is demonstrated, sole source contracting conditions rarely apply to transportation planning work:

- Only one contractor is qualified to do the work.
- An emergency exists of such magnitude that delay cannot be permitted.
- Competition is determined to be inadequate after solicitation of a number of sources.

If a sole source contract is pursued, the MPO/RTPA needs to assure the contract expectations are clear (e.g., scope of work, tasks, schedules, products, evaluation criteria, conflict resolution, etc.) and the cost is fair and reasonable. The special conditions which necessitate sole source must be documented and provided to the Department for review and approval prior to the award of the contract. All supporting documentation must be retained and available for review by Department and/or FHWA/FTA. (See Section 4.13 for more information about Records Retention.)

5.04.c Development of the Request for Proposal (RFP)

RFPs should be widely-publicized to elicit responses from all capable candidates, and to select the most-qualified candidate to deliver the best product at the most reasonable cost, consistent with legal and fair competition requirements.

RFPs should be advertised in newspapers, trade journals and newsletters, posted on the internet, and innovative outreach efforts should be pursued to ensure the most complete participation of potential contractors, including disadvantaged business enterprises and community based organizations. Existing bidder-list direct mail recruitment is not sufficient.

An RFP package with well-defined expectations should include specifications such as, tasks, products, schedules, available resources, as well as performance evaluation and conflict resolution particulars. The proposal evaluation criteria should be described and all requirements for the final contract should be stipulated.

A complete RFP package should include, for example:

- All applicable dates, e.g., briefing dates, filing deadlines, and contract completion. The filing period should allow prospective bidders sufficient time to put together a complete and viable proposal package.
- Background and outline of the study area or topic.
- Statement of required proposal content, e.g., methodology or approach, staffing and duties, qualifications, schedule, deliverables, and budget.
- Identification of all state and federal requirements, e.g., federal debarment and suspension certification, non-discrimination/non-harassment practices, drug-free workplace, non-lobbying assurances,

records retention, product delivery, invoicing, hold harmless and/or indemnification conditions, etc.

- Confidentiality of bidder information, if applicable.
- Listing of proposal evaluation criteria (including relative importance or weighting) and description of the selection process.
- A pro forma proposed contract, which lists all applicable state and federal requirements.
-

See LPP 00-05 for more information.

5.04.d Consultant Selection and Contract Negotiation

Selection of the consultant and the development of the contract is a multi-step process. After the RFP has been developed, consultant selection and contract negotiation can proceed. This four-step process can be outlined as follows:

- Proposal evaluation team selection. This should occur prior to the receipt of the proposals, preferably during development of the RFP.
- Review of submitted proposals using the evaluation criteria set forth in the RFP.
- Top candidate interviews. Oral presentations are an effective method to confirm consultants' understanding of MPO/RTPA needs and the consultant's qualifications in the subject area.
- Contractor selection and completion of negotiable parts of the contract.

There is no requirement to award a contract if none of the proposals is competitive, i.e., if the cost is not reasonable and/or if none of the bidders is qualified to do the job.

If the contract exceeds \$250,000, a pre-award evaluation must be completed prior to entering into the contract. (See Section 5.02)

5.04.e Contract Approval and Execution

Contract approval and execution are the final steps in the RFP process. MPOs/RTPAs should prepare a contract approval package available for Department review.

This package should include:

- A cover letter -- name of the contractor, purpose and summary of the contract, applicable OWP work element (s), contract amount and funding sources, procurement method.

- A review of the selection process -- bidder recruitment methods, listing of proposals received, summary of the proposal evaluation process, a copy of proposal scoring summary.
- Two complete copies of the final proposed contract (i.e., work plan or scope of work, project staff, schedule and deliverables, and contract budget), including all exhibits.
- A copy of the original proposal of the successful bidder.
- A copy of the Request for Proposals package, with cover letter.

Districts should review contract packages relative to inclusive bidder recruitment, clear scope of work, deliverables schedule, contract budget and personnel exhibits, and consistent with the review points listed in Section 5.04 and LPP 00-05.

5.04f Contract Monitoring and Evaluation

Obviously no work can be done prior to there being an approved and fully executed contract. When contract work proceeds, the District monitors progress in a manner similar to tracking OWP work elements activities, and OWP Quarterly Progress and Expenditure monitoring. For example, the District attends relevant meetings, reviews deliverables for content and timeliness, checks Requests for Reimbursement (RFRs) to assure they are supported with billings, and assures Disadvantaged Business Enterprise (DBE) goals are being met.

Individual contract DBE goals may differ from the goals in the annual DBE program so long as they are consistent with and contribute to attaining the annual goal.

As work progresses, the District routes deliverables within the Department for information, and solicits comments to provide to the MPO's/RTPA's consultant, as appropriate, on draft products.

RFRs should not be approved unless the District has supporting financial information. Although District staff may have considerable familiarity with the MPO's/RTPA's business practices, particulars of the consultant contract, and the consultant's progress, approval of RFRs without supporting documentation is strongly discouraged. It is important to maintain objective procedures relative to all MPOs/RTPAs, and it is important to have complete files for audit purposes.

Sections 4.05, 4.06 and 4.07 describe RFR approval and dispute procedures.

District staff should document its contract monitoring activities in a log, journal or calendar, in the contract file. Contract files may be paper or electronic. (See also Section 4.11 Records Retention)

5.05 Pre-Award Evaluations

If a pre-award evaluation is required, it must be completed and indicate satisfactory capabilities before the MPO/RTPA enters into a contract with the consultant.

For contracts of \$250,000 or more, a pre-award evaluation is always required.

For contracts *less* than \$250,000, a pre-award evaluation is required if one or more of the following conditions exists:

- There is inadequate knowledge about the consultant's accounting procedures.
- There has been a previous, unfavorable experience with the consultant's estimating or accounting methods.
- The MPO/RTPA or the consultant requests an audit.
- The MPO/RTPA has no history of using consultants and Department deems it prudent.

District or ORIP staff may request a pre-award evaluation to forestall potential problems.

Headquarters Audits and Investigations, an audit firm hired by the MPO/RTPA, or MPO/RTPA in-house staff with audit expertise may perform the pre-award evaluation. The evaluation's focus is the consultant's accounting, estimating and administrative systems, proposed costs and quantities, and financial conditions, etc.

Headquarters Audits and Investigations periodically does pre-award evaluations, as well as post-award evaluations, of MPOs/RTPAs, reviews the MPO's/RTPA's Single Audits, and approves the MPO's /RTPA's Indirect Cost Negotiation Agreement and Cost Allocation Plan (ICAP) for those MPOs/RTPAs who request reimbursement for indirect costs.

5.06 Disadvantaged Business Enterprise (DBE)

Federal Civil Rights law requires recipients of federal funds to have a DBE Program including annual goals and a directory of DBE firms on file with Department. Although some federal entities have a dollar threshold which triggers DBE, FHWA does not, i.e., any recipients of federal funding must comply. The MPOs/RTPAs must make affirmative efforts to assure DBE consultants are utilized whenever possible. Two examples of "affirmative efforts" are to solicit DBE firms, and to organize the project schedule and task requirements to encourage participation by DBE firms – perhaps by segmenting larger aggregate work contracts into several smaller discrete contracts. Consultants have the responsibility to use DBEs as sub-consultants whenever feasible and if a DBE sub-consultant needs to be replaced, for whatever reason, the consultant must make a sincere, good faith effort to replace the DBE sub-consultant with another DBE.

DBE recruiting and hiring efforts must be documented and DBE status must be verified.

District staff need to ensure each MPO/RTPA has a current DBE Program on file with Department and need to confirm that CPG and/or RPA, as applicable, is included among the funding sources. The District's Local Assistance Engineer reviews and approves each DBE Program.

MPOs/RTPAs are encouraged to have a comprehensive DBE Program, including CPG and RPA, filed with Division of Local Assistance rather than to draft a separate DBE Program for transportation planning-funded contracting.

The exhibits to LPP 00-05 include more specific DBE information and samples.

5.07 RFP Review Points

Each RFP is different, but the following list includes fairly typical RFP review categories and points:

Selection Procedures

- ☐ Description of need for consultant
- ☐ Records of publication of RFP and other solicitation efforts
- ☐ Candidate qualifications and evaluation criteria
- ☐ Documentation of selection steps
- ☐ Evaluation of DBE efforts (when applicable)
- ☐ Plan to monitor work

Consultant Agreement

- ☐ Date of agreement
- ☐ Names, addresses, and other identifying data of agreeing parties
(complete name and address of each party to the agreement, including the legal status [e.g., individual, corporation, partnership, etc.], address where work is available for inspection)
- ☐ Name of contract administrator
- ☐ Work to be done (include any data, etc., MPO/RTPA will provide) and work schedule
- ☐ Deliverables and delivery schedule (including number of copies when applicable and what constitutes completion)
- ☐ Schedule, e.g., effective date of contract, commencement of work, milestones, deliverables, completion
- ☐ Method of payment (whole or progress, what milestones for progress)
- ☐ Records retention (See Section 4.13)
- ☐ Contract cost principles and procedures (must specify 48 CFR, Chapter 1, Part 31)
- ☐ Covenants against contingent fees (If federal funds are used, the following must be included: "The consultant warrants that s/he has not employed or retained any company or person, other than a bona fide employee working for the consultant, to solicit or secure this agreement, and that s/he has not paid or agreed to pay any company or person, other than a bona fide employee, any fee, commission, percentage, brokerage fee, gift, or any other consideration, contingent upon or resulting from the award or formation of this agreement.

For breach or violation of this warranty, the MPO/RTPA shall have the right to annul this agreement without liability, or at its discretion to deduct from the agreement price or consideration, or otherwise recover, the full amount of such fee, commission, percentage, brokerage fee, gift or contingent fee.”)

- ❑ Ownership of deliverables (become the property of the MPO/RTPA)
- ❑ Copy rights (if consultant is permitted copy rights, the agreement must provide FHWA/FTA and Department shall have the royalty-free non-exclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work for government purposes)
- ❑ Changes in work (mutually agreed to, plus provisions for resulting schedule and cost changes)
- ❑ Delays/extensions (appropriate time adjustment in instances of unavoidable delays and warranted adjustments in payment)
- ❑ Termination or abandonment (ownership of completed or partially completed work, basis for payment in the event of termination; including conditions for termination due to default and circumstances beyond the control of the contractor)
- ❑ Remedies (administrative, contractual or legal remedies for violation or breach of contract, citing sanctions and penalties)
- ❑ Disputes (procedures to resolve disputes)
- ❑ Responsibility for claims and liability (hold harmless provisions for all levels of government from all claims and liability due to the negligent acts of the contractor and/or its subcontractors, agents or employees)
- ❑ General compliance with laws and wage rates (requirement for contractor to comply with all federal, state and local laws and ordinances applicable to the work, including compliance with prevailing wage as per California Labor Code, Section 1775, if applicable)
- ❑ Subcontractors, assignment and transfer including prohibition against subcontracting, assignment or transfer of any work, except as provided in the agreement.
- ❑ Compliance with DBE consistent with 49 CFR Part 26.
- ❑ Conclusions, i.e., customary closing provisions included in MPO's/RTPA's contracts
- ❑ Signatures
- ❑ Certifications of consultant and agency (as per the covenants against contingent fees)
- ❑ Cost price proposal (per consultant team member by hours, rate and total; indirect cost rate; direct costs of equipment, supplies, other by quantity, unit cost and total; profit and total cost)

Other review points:

- ❑ Is the consultant qualified to do business in California (e.g., a California corporation or partnership or agent for service of process filed with the Secretary of State)?
- ❑ Is there a drug-free work place certification?
- ❑ If the contract is for \$5,000 or more, does the contract include the following certification: The prospective contractor's signature affixed hereon and dated shall constitute a certification, under the penalty of perjury under the laws of the State of California, that the bidder/proposer has, unless exempted, complied

with the nondiscrimination program requirements of Government Code Section 12990(a-f) and Title 2, California Code of Regulations, Section 8113.

6 REGIONAL TRANSPORTATION PLAN (RTP)

Both state and federal law require regional agencies to develop a regional transportation plan (RTP). Called variously a metropolitan transportation plan (MTP) and a long range plan in federal law, the RTP is a comprehensive, 20+ year vision of the region's transportation system. It identifies problems, includes regional growth projections, and suggests mobility proposals to accommodate growth and maintain regional quality of life. The RTP must be fiscally constrained. If the region is a federally-designated air quality non-attainment area, the RTP must conform to the State Implementation Plan (SIP), the state's plan to achieve healthy air quality. (See Sections 6.03 Fiscally Constrained and 6.04, Air Quality Conformity.)

Like the OWP, the RTP is developed by the MPO/RTPA in concert with the transportation partners in the region, in consultation with Native American Tribal Governments, and with full public involvement. District regional transportation planning is a key member of the RTP development team (e.g., as technical committee and/or working group member, as a provider of data, etc.) and it is District staff's responsibility to assure Department's interests and priorities are represented and advocated as the RTP is developed. This chapter describes the District's interaction with MPOs/RTPAs as they develop and adopt the RTP.

6.01 *The RTP Guidelines*

State and federal RTP statutes are the basis for the California Transportation Commission's (CTC) *Regional Transportation Plan Guidelines*. Updated as needed, the latest *RTP Guidelines*, adopted by the CTC in December 1999, were drafted by a task force composed of transportation planning partners. ORIP served as staff to the task force and the project.

The intent of the *RTP Guidelines* is to promote:

- Integrated, statewide, multimodal, regional transportation planning and set forth a uniform regional transportation planning framework throughout California;
- Transportation planning which supports decision-making, and which is done in consultation with Native American Tribal Governments;
- Continuing, cooperative, and comprehensive (3C) transportation planning that facilitates the rapid and efficient development and implementation of projects while maintaining California's commitment to public health and environmental quality; and
- Planning which integrates the public into decision-making.

The *RTP Guidelines* are the comprehensive RTP reference manual. They are posted on the ORIP website.

6.02 RTP Purpose and Contents

The RTP shall achieve a coordinated and balanced regional transportation system, including, but not limited to, transit, road/highway, railroad, maritime, bicycle, pedestrian, goods movement, and aviation facilities and services. It shall be action-oriented and pragmatic,

address system maintenance and preservation as well as expansion, and consider both short-term (+/- 10-year) and long-term (20+ year) time periods.

It should be internally consistent and should clearly describe the planning and financial assumptions and strategies, and the methodology used to analyze and prioritize transportation improvements. All projects in transportation improvement programs (TIPs) should clearly flow from the RTP's Policy, Action, and Financial Elements. It should be externally consistent and recognize and/or incorporate, as appropriate, other adopted plans and programs that impact the regional transportation system.

To be programmed in a Federal Transportation Improvement Program (FTIP), a project must first be included in an adopted, conforming RTP. (See Section 6.04 for more information about "conforming".)

The RTP shall include the following components:

- A Policy Element that reflects the mobility goals, policies and objectives of the region.
- An Action Element that identifies programs and actions to implement the RTP.
- A Financial Element that summarizes the cost of implementing the RTP within realistic financial assumptions, i.e., a financially constrained environment.

The RTP should also include the following:

- An Executive Summary that provides a regional perspective, and identifies the transportation priorities, challenges and objectives to be achieved.
- A Needs Assessment that facilitates project development. Part of the assessment should be transportation system outcome performance objectives and measures.
- References to regional environmental issues.

If the region includes a primary air-carrier airport (i.e., more than 10,000 enplanements annually) the RTP must also include an Airport Ground Access Improvement Program. State legislation, SB 45 (1997), specifies projects included in the Interregional Transportation Improvement Program (ITIP) shall be coordinated and consistent with the RTP.

Four key points from the 1999 *RTP Guidelines* are the need:

1. To define a set of program level transportation system performance measures.
2. For better project identification and to more clearly discuss plan-level purpose and need of RTP alternatives, strategies and projects.
3. To indicate funding priorities and implementation procedures for local road and transit maintenance and rehabilitation.
4. For more cooperative planning and programming of capital and operational improvements on the interregional system through the RTPs and the regional transportation improvement programs (RTIPs).

Some federal RTP requirements are:

- Consistency with Title VI of the Civil Rights Act of 1964, and with environmental justice.
- Actions needed to meet the American with Disabilities Act (ADA) of 1990.
- A public participation plan, which is inclusive, particularly for traditionally underserved and underrepresented groups. The plan should be periodically evaluated, enhanced and updated in a public involvement setting.
- A short-term (10-year) and a long-term (minimum 20-year) time horizon.
- Analysis of the RTP's likely social and environmental effects upon housing, employment, community development, land use, central city development goals, etc.
- Air quality conformity in non-attainment areas.
- Fiscal constraint.
- Assessment of the effectiveness of the public participation process and the equity of the transportation proposals on all components of the community.
- Documentation of formal consultation with Native American tribal governments and consideration of their transportation needs.

Key environmental concerns should be identified in the planning phase, commensurate with the data available. The plan-level purpose and need in the RTP should serve as the foundation for subsequent activities, e.g., alternatives analysis and project approval. Minor projects can be grouped into a “programmatic” statement of purpose and need, corresponding to the level of detail at this stage.

6.03 Fiscally Constrained

The need to “fiscally constrain” the RTP was part of the Intermodal Surface Transportation Efficiency Act (ISTEA) of 1991. Basically, this means making an estimate of reasonably anticipated transportation funding over the 20+ year life of the RTP and limiting estimated expenditures for projects to this amount.

The estimate of anticipated transportation funding should stipulate the assumptions, strategies, etc., that were used to arrive at the estimate. Additional revenue sources, e.g., bonds or sales tax measures, may be included in the long-term funding estimate if there is a specific affirmative action on the part of the jurisdictions which commits them to pursue these sources.

Although TEA-21 maintains financial constraint, it allows inclusion of “illustrative projects”, i.e., projects that would be in the RTP if additional revenues were available, but there is no requirement to identify such revenues. Illustrative projects do not have the same status as projects, which are financially constrained. They are not included for air quality conformity purposes and they cannot be programmed directly into the transportation improvement program (TIP).

6.04 Air Quality Conformity

The U.S. Environmental Protection Agency has established national ambient air quality standards (NAAQS), for various pollutants, e.g., ozone, carbon monoxide, nitrous oxides, particulate matter 2.5 and 10 microns or smaller, etc. Areas whose ambient air quality does not meet the NAAQS are termed non-attainment. For some pollutants, such as ozone and carbon monoxide, the severity of non-attainment is graduated, as are the required remedial actions.

States with non-attainment areas must prepare plans called state implementation plans (SIPs) that outline actions to meet the NAAQS. In air quality non-attainment areas, RTPs must conform to the SIP. Like financial constraint, air quality conformity is a requirement from ISTEA carried forward in TEA-21. It is a process to ensure federal funding and approvals are only given to those transportation activities, which are consistent with air quality goals.

Conformity is essentially modeling existing and anticipated transportation system emissions based on traffic model results in order to determine if the proposed transportation system is consistent with progress in the SIP. Conformity is demonstrated by meeting emissions levels (budgets) where they apply, by meeting other emissions tests, and by implementing transportation control measures as required by the SIP.

In serious and worse ozone non-attainment areas, land use and growth assumptions shall be documented and compared with historical trends. There must be consistency between transportation alternatives and land use projections for different options.

Generally, conformity analyses are done by the MPO. If an RTPA region is non-attainment, the RTPA may enter into an agreement with an adjacent MPO or may enter into an arrangement with Department to perform air quality conformity.

6.05 The RTP Should Be Consistent with Other Plans in the Region

The RTP should be consistent with other plans and programs of regional significance. For example, there should be discussion how projects developed in the RTP:

- Support local land use and population projections
- Are sensitive to identified environmental concerns,
- Address economic development and social equity.

Some examples of plans/programs with which the RTP should be consistent are:

- Local general plans, particularly the housing and circulation elements
- Congestion management programs
- Transit, bikeway and pedestrian plans
- Significant redevelopment plans, specific plans for development of large areas of the community, and development agreements for large projects
- Local and regional airport plans (Airport Master Plans, Airport Land Use Plans, Comprehensive Land Use Plans, Regional Aviation System Plans)

6.06 Department Plans which Impact RTPs

Plans prepared by the Department staff in the Districts and in Headquarters and work done by MPOs/RTPAs complement one another. Among the Department plans to consider are:

California Transportation Plan (CTP): The CTP is developed by the Department and submitted to the Governor. It includes a policy element describing state transportation policies and system performance objectives, a strategies element incorporating broad system concepts and strategies partially synthesized from RTPs, and a recommendations element that includes economic and population forecasts and proposes recommendations to the Legislature and Governor. RTPs should implement the vision and goals in the CTP. The CTP may not be project-specific and has no statutory update schedule. It is revised or updated as needed.

California Aviation System Plan (CASP): Prepared by the Department every five years as required by Public Utilities Code 21701, the CASP integrates regional aviation system planning on a statewide basis. The aviation component of the RTP should be consistent with the CASP. If there is a commercial airport in the region, ground access shall be addressed.

Interregional Transportation Strategic Plan (ITSP): The ITSP describes the framework in which the Department will carry out statewide Interregional Improvement Program (IIP) responsibilities and how it will program the Interregional Transportation Improvement Program (ITIP). There is a direct relationship between the ITSP and the ITIP, the RTP and the Regional Transportation Improvement Program (RTIP); and between the ITIP/RTIPs and the State Transportation Improvement Program (STIP.) There is also a direct relationship between all these and federal transportation improvement programs, the MPOs' Federal Transportation Improvement (FTIP, called a Metropolitan Improvement Program [MTIP] by some MPOs) and the state's Federal State Transportation Improvement Program (FSTIP).

District System Management Plan (DSMP): Prepared by each District, the DSMP identifies Department priorities for transportation system improvements. The District also prepares Transportation Concept Reports (TCRs, also called Route Concept Reports [RCRs], which are route-specific improvement concepts with a 20-year horizon.

State Highway Operations and Protection Plan (SHOPP): The SHOPP is a 10-year state highway safety, rehabilitation, and traffic operations plan prepared by the Department to address statewide operations and system preservation needs. (The acronym SHOPP is also used for the funding source and the 4-year program of projects.)

6.07 Key Review Points

Development and adoption of the RTP is a lengthy activity for MPOs/RTPAs. It entails data collection and interpretation, public participation and involvement, consensus building, formal consultation with federally-recognized Native American Tribal Governments in the region, and many other steps, procedures and products. District Regional Planning staff

should bear this in mind as they review, route, and comment on draft RTPs. Comment letters should be provided in a timely manner and should be comprehensive, i.e., they should include all the Department's comments.

The *RTP Guidelines* include a comprehensive RTP checklist which MPO/RTPA should complete and District staff should carefully review to assure the RTP:

- Contains both short term (10-year) and long-term (20+ year) horizons.
- Includes the three required elements, action, policy and financial.
- Sets forth transportation system outcome performance objectives and measures.
- Evidences compliance with CEQA (See Section 6.09), Title VI, environmental justice, and ADA.
- Considers strategies to meet the seven broad planning factors in TEA-21.
- Assesses current modes of transportation and the potential for new travel options and alternative scenarios..
- Predicts and includes actions to address future needs for mobility, access, and goods movement.
- References and documents public policy decisions by local, regional, state, and federal officials regarding transportation expenditures and financing.
- Identifies needed transportation improvements in sufficient detail to:
 - Develop the Federal Transportation Improvement Program (FTIP), the Regional Transportation Improvement Program (RTIP) and the Interregional Transportation Improvement Program (ITIP).
 - Facilitate National Environmental Protection Act (NEPA)/404 integration decisions.
 - Establish plan-level purpose and need.
 - Develop an estimate of emissions impacts for demonstrating conformity with the air quality targets identified in the SIP (non-attainment areas only).
 - Promote consistency among the California Transportation Plan, the RTP and other plans developed by cities, counties, districts, private organizations, Tribal governments, and state and federal agencies in responding to regional, interregional, and statewide transportation issues and needs.
- Provides a forum for (1) participation and cooperation and (2) partnerships that reconciles transportation issues, which transcend regional boundaries.
- Involves the public, federal, State and local agencies, as well as local elected officials, early in the transportation planning process, and includes them in discussions and decisions on the social, economic, air quality and environmental issues related to transportation.

The RTP must be inclusive and equitable, e.g., modes, access for users, public participation, government-to-government interaction with Native American Tribal governments (i.e., formal consultation). It must be adopted at least every three years; every four years if the region does not include an urbanized area. Air quality non-attainment areas are required to update RTPs consistent with federal time frames.

6.08 RTP Development and District Circulation of the Draft RTP

District regional transportation planning staff is the communication link between the MPO/RTPA and the Department, including other units in the District and Headquarters. Input is provided as the RTP is drafted and when the District circulates the draft RTP among affected District and Headquarters units for review and comment. (See RTP Development and Review Chart on page 6-7.) Generally, the same units and entities to whom District staff circulates the OWP should be consulted about the draft RTP (See Sections 2.9 and 2.10 for a sample listing).

The District prepares the Department's comments on the draft RTP. Unlike the OWP, the District/Department does not approve/disapprove the RTP.

6.09 The RTP is a Project under CEQA

Under the California Environmental Quality Act (CEQA), an environmental evaluation needs to be done of the RTP. Completion of the CEQA Initial Study will determine whether an environmental impact report, a negative declaration, a supplemental document or another environmental document, is appropriate.

Although the District is a member of the RTP development team, the District also needs to carefully review and, as appropriate, comment on the environmental document. District size and organizational structure will determine whether this review is completed by the District's regional transportation planning staff, by District IGR/CEQA staff, or perhaps even staff in Environmental. The responsibility to assure District review of the environmental document rests with the Regional Transportation Planning Branch.

It is strongly advised that the regional transportation planner who is familiar with the draft RTP always become familiar with the environmental document.

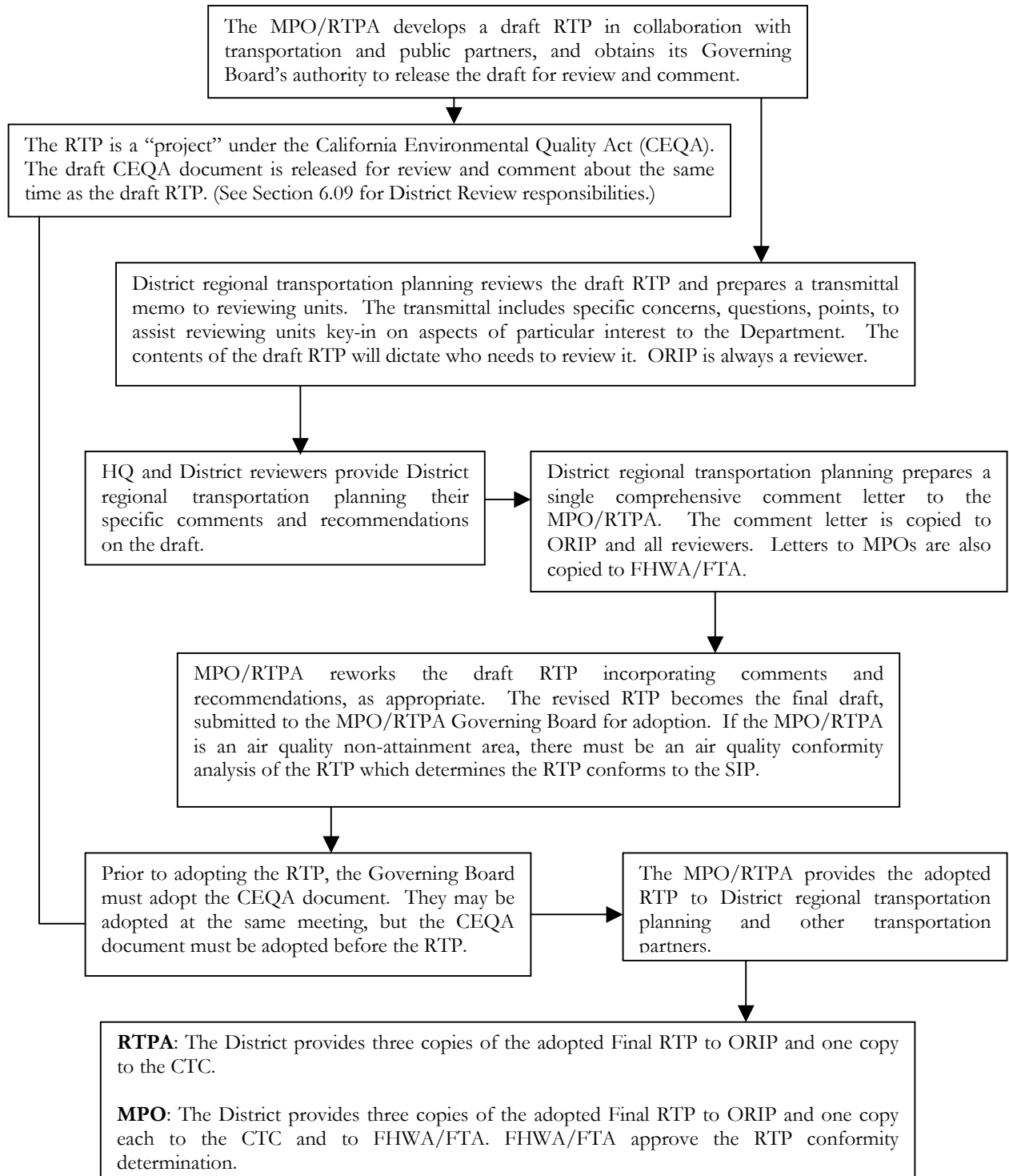
Although an environmental review under the National Environmental Policy Act (NEPA) is not required, MPOs/RTPAs may elect to advance the preliminary identification of key issues and environmental constraints as well as some level of cumulative impact analysis to the RTP planning stage. This is the most meaningful time to address cumulative regional impacts. Early identification of environmental issues and constraints allows for plan modifications and provides better impact avoidance opportunity. This may mean beginning the NEPA process at the RTP stage rather than at the project development stage.

6.10 The Final RTP

Department, FHWA/FTA, transit agencies and providers, interest groups and all other partners, users and stakeholders participate in drafting and revising the RTP, but only the MPO/RTPA Governing Board approves and adopts it.

For air quality non-attainment areas, only projects in a conforming RTP and a conforming transportation improvement program (TIP) are eligible for federal transportation funding.

RTP DEVELOPMENT AND REVIEW



The air quality conformity analyses are provided to FHWA/FTA who must approve the air quality conformity of the RTP before it is deemed a conforming RTP.

The District obtains final RTP copies, including the Governing Board's approval resolution, and provides copies to the California Transportation Commission (CTC). MPO RTPs are forwarded to FHWA/FTA, either by the MPO or by the District, as per MPO/District practice. It is District responsibility to assure the CTC, and FHWA/FTA are provided copies.

6.11 The District Provides ORIP all RTPs and RTP Environmental Documents

As with OWPs, the District forwards copies of all draft and final RTPs and related documentation, including the environmental documents, Governing Board resolutions approving the RTP, and the environmental document, to ORIP.

If air quality conformity applies, ORIP is provided a copy of the transmittal letter to FHWA/FTA wherein air quality conformity protocol and conclusions may be detailed, if they are not in the RTP or its appendices. ORIP is also provided FHWA's/FTA's air quality conformity federal comment and approval/disapproval letters.

Like the OWP, ORIP also requests an electronic version of the Final adopted RTP, and any subsequent amendments thereto.

ORIP staff monitors RTPs to assess whether they are updated timely, to track statewide transportation trends and concerns and air quality conformity issues, and periodically, at the request of the CTC, to report on RTP progress, trends, and compliance with current *RTP Guidelines*. ORIP also uses this information to comment on proposed legislation, which would impact RTPs.

Copies of the Final adopted RTP should also be provided to the Office of Advanced System Planning, the Office of Statewide Planning, the Office of Community Planning, and the Office of Projects/Plan Coordination in Headquarters, Sacramento.

7 FULL PARTICIPATION REGIONAL TRANSPORTATION PLANNING

As stated in Section 1.02, regional transportation planning is a 3Cs approach: continuing, cooperative and comprehensive. It involves the entire community: individuals, federal, state, regional and local agencies, and public, private and community based organizations all working together to identify how future regional transportation needs will be met.

Comprehensive regional transportation planning can be understood from several perspectives, among which are mode, participation and setting. All modes shall be considered. Decisions shall be made through formal government-to-government consultation with Native American Tribal Governments, and with the full participation of the community served. Consistent with a collaboratively crafted vision, the region will work together to determine how best to provide a full range of transportation options for all system users.

As stated in the seven planning factors in TEA-21, the goal is to:

- Support economic vitality, especially by enabling global competitiveness, productivity, and efficiency.
- Increase safety and security of transportation system for motorized and non-motorized users.
- Increase accessibility and mobility options available to people and for freight.
- Protect and enhance the environment, promote energy conservation, and improve quality of life.
- Enhance integration and connectivity of the transportation system across and between modes, for people and freight.
- Promote efficient system management and operation.
- Emphasize preservation of the existing system.

7.01 A Public Participation Plan/Public Involvement Program

Each MPO/RTPA shall have a structure for public participation and involvement which is the foundation for transportation planning decisions:

- Which considers the transportation system as a whole and involves the entire community, and
- Which considers the interplay and impact of transportation on other regional factors such as the economy, the environment and quality of life.

This structure should be periodically reviewed, its effectiveness evaluated, and changes made to better ensure full public participation and involvement. Like transportation planning efforts, review, update and evaluation of the public

participation structure should be transparent and should fully involve all stakeholders.

Changes to the transportation system can have profound impacts on a region. Full, open and active involvement of all users and stakeholders is essential for successful regional transportation planning.

A partial listing of who should be involved includes:

- Community members and groups, and community based organizations
- Individuals and groups with special interests, needs and advocacy positions, e.g., ethnic, economic, environmental, modal, age, access, neighborhood
- Public and private transit operators, including paratransit; carpools/rideshare coordinators/transportation management agencies
- Emergency responders
- Regional airport and seaport operators, managers and authorities
- Trucking and freight rail operators and advisory councils
- Local, regional, intercity, commuter, and high speed rail planners and providers
- Local and regional planning agencies, e.g., city/county government, congestion management agencies, affected individuals and agencies in adjacent regions
- Native American Tribal Governments (formal consultation)
- State transportation agencies, e.g., California Highway Patrol, Department (Districts, affected HQ functions such as Mass Transportation, Aeronautics, Research and Innovation, Local Assistance, Traffic Operations)
- Federal agencies, e.g., FWHA/FTA, EPA, Bureau of Indian Affairs, resource agencies such as US Forest Service, National Park Service, National Marine and Fishery Service, Fish and Wildlife Service, and the US Army Corps of Engineers
- State resources entities, e.g., California Air Resources Board, California Resources Agency, Coastal Commission, California Energy Commission, California Environmental Protection Agency, State Water Board, Regional Water Quality Control Board, State Department of Fish and Game, Regional Waste Board
- Intelligent Transportation System interests such as the California Alliance for Advanced Transportation Systems.

The *RTP Guidelines* specify the following relative to public involvement during the development of the RTP:

- The regional agency seeks out and considers the needs of those traditionally under-served by existing transportation systems, including but not limited to low-income and minority households,

- In non-attainment areas, the RTP is based on interagency consultation with air and environmental agencies and the public, and reflects coordination with local and regional air quality planning authorities,
- Includes citizen involvement in the early stages of plan development, and
- Where there are Native American Tribal Governments within RTP boundaries, the tribal concerns have been addressed and the RTP was developed in cooperation with the Tribal Governments (formal consultation) and the Secretary of the Interior.

7.02 Native American Tribal Governments and Communities

Participation by Native American Tribal Governments and communities in transportation planning is **essential**. Title 23 United States Code, Sections 134 and 135 require that the concerns and issues of Tribal Governments be considered prior to making transportation planning decisions. The Department is committed to fostering the development of formal government-to-government relations between the Tribes and MPOs/RTPAs.

Director's Policy Number 19, *Working with Native American Communities*, dated August 29, 2001, established the Department's intent to act consistently, respectfully and sensitively when working with Native Americans to adhere to a government-to-government relationship with Tribal Governments.

The Appendix includes Director's Policy Number 19.

ORIP's Native American Liaison Branch has developed a *Transportation Guide for Native Americans*. The guide is a tool to assist transportation entities within California, both Native American and non-Native American, understand requirements and procedures for planning and funding transportation projects. The Handbook is posted on ORIP's Native American web-site

<http://www.dot.ca.gov/hq/tpp/offices/orip/na/Trans-GuideForNativeAmericans.pdf>

In California there are more than one hundred federally-recognized Native American Tribal Governments and there are numerous state or federal highways within the boundaries of their Tribal lands. There are also many projects which impact Tribal governments, whether or not they are actually located on Tribal land. It is incumbent upon MPOs/RTPAs to work with Tribal governments in their planning areas, government-to-government.

Some Tribal Governments may elect to join, fully or in part, the transportation planning activities of the MPO/RTPA. In such instances, the parties may decide it is appropriate to include a Tribal government representative as a voting member on the MPO's/RTPA/s Governing Board, or as a member of a policy advisory committee.

Other Tribal Governments may elect to participate only in those transportation planning decisions that directly impact their communities.

The particulars of the relationship between the MPO/RTPA and the Tribal Government will be determined through dialogue and negotiations of the Tribal Government and the MPO/RTPA Board.

There are also many non-federally recognized Tribal governments in California. While their status does not require formal consultation, MPOs/RTPAs should establish working relationships with these Tribal Governments, as they do represent a politically significant group of Native American communities.

Many Native Americans in California's rural and urban communities do not reside on Tribal lands. These individuals should be among all the other community members included in the MPO's/RTPA's full public participation transportation and environmental justice planning efforts and decisions.



California Department of Transportation

APPENDICES



SAMPLE WORK ELEMENT

ELEMENT 02-004: AIR QUALITY PLANNING ANALYSIS & COORDINATION

OBJECTIVE: To implement the requirements of the federal Clean Air Act Amendments (CAAA) of 1990 to ensure that projects are delivered that do not impede the region's air quality goals including preparation of conformity determinations on the Metropolitan Transportation Plan and the Metropolitan Transportation Improvement Program. To promote clean-fuel projects consistent with the State Implementation Plan (SIP) for the Sacramento area. To coordinate and support efforts to develop mobile source control measures that will ensure positive future conformity determinations.

DISCUSSION: To maintain eligibility for federal funding, SACOG, as the Metropolitan Planning Organization (MPO) for this area, must prepare a positive air quality conformity determination prior to approving the transportation plan or program. The State Implementation Plan for Air Quality calls for a program to reduce NO_x emissions from on-road and off-road heavy-duty vehicles by five tons per day by 2005. SACOG will work with its partner agencies to specify how these reductions will be achieved. This element is coordinated with and enhanced by activities under Interagency Relations and Program Management; Public Information, Outreach and Education; and Project Delivery and Programming.

PROJECTS:

1. AIR QUALITY CONFORMITY (Federal Requirement) *Project # 02-004-01*

The main emphasis during FY 2001/02 will be to prepare conformity determinations for the Metropolitan Transportation Plan (MTP) for 2025 and any amendments to the FY 2001/02 Metropolitan Transportation Improvement Program (MTIP) for the Yuba/Sutter and Sacramento federal nonattainment areas. SACOG will also prepare any additional conformity determinations on an as-needed basis. As part of the air-quality consultation process, SACOG will continue to hold monthly meetings of the Regional Planning Partnership to review procedures, assumptions, timelines, and completed conformity determinations. In addition, SACOG will work with the local air districts and the Environmental Protection Agency (EPA) to adopt the consultation section of the draft inter-agency conformity model rule and to finalize other sections of the draft model rule as guidance becomes available from EPA.

End Products:

- a. Conformity Determination on Draft 2025 Metropolitan Transportation Plan (March 2002)
- b. Conformity determinations on any amendments to the 1999 MTP and FY 2000/01 MTIP (as needed)
- c. Adoption of inter-agency consultation section of the draft State Implementation Plan conformity rule (June 2002)

2. DEVELOPMENT OF 2003 STATE IMPLEMENTATION PLAN *Project # 02-004-02* (Supports State and Federal Requirements)

The California Air Resources Board (CARB) is beginning the process to develop strategies for inclusion in the 2003 State Implementation Plan for the Sacramento ozone nonattainment area. Under this element, SACOG will work with CARB to develop strategies to reduce emissions that contribute to ozone and inhalable particles.

End Products:

- a. Provide transportation model output from the SACMET model to the California Air Resources Board for input into the development of the 2003 SIP (as needed)
- b. Provide other data to CARB for the development of the 2003 SIP, as requested (Ongoing)
- c. List of potential measures for inclusion in the 2003 SIP (June 2002)

SACOG RESOURCES: .73 FTE's

<u>INCOME</u>	<u>PROPOSED</u>	<u>EXPENDITURES</u>	<u>PROPOSED</u>
FHWA (PL)	\$ 76,500	SACOG	\$ 117,000
FTA 5303	5,500		
EDCTC	2,000		
PCTPA	7,000		
TDA Planning	26,000		
TOTAL	\$117,000	TOTAL	\$117,000

FY 2001/2002 OVERALL WORK PROGRAM DIRECT SERVICES EXPENDITURE SUMMARY

42-201 OWP

ACCOUNT NUMBER	ELEMENT	Coverage	Salaries/ Benefits	Indirect Services	Meetings	Printing	Consultant	Legal Services	Pass Thru Funding Agreements	Other
02-001	Interagency Relations and Program Management	\$122,000	\$77,244	\$43,256	\$1,000	\$500	\$0	\$0	\$0	\$0
01	Interagency Relations & Program Management	122,000	77,244	43,256	1,000	500	0	0	0	0
02-002	Project Delivery and Programming	\$1,020,565	\$529,208	\$296,357	\$9,000	\$11,000	\$170,000	\$5,000	\$0	\$0
01	State Programming	112,500	68,810	38,590	4,000	1,000	0	0	0	0
02	Federal Programming	130,000	73,077	40,923	1,000	5,000	0	0	0	0
03	Project Delivery	190,500	106,731	50,769	3,000	1,000	20,000	0	0	0
04	TDA Administration	597,565	280,490	157,075	1,000	4,000	150,000	5,000	0	0
02-003	Multimodal Transp Ping & Coord	1,028,980	377,558	211,432	15,000	25,000	400,000	0	0	0
01	Metropolitan Transportation Plan - 2025	385,480	179,801	100,069	10,000	20,000	75,000	0	0	0
02	Pedestrian and Bicycle	40,000	24,679	13,821	500	1,000	0	0	0	0
03	Cal Traction Preservation & Purchase Plan Study	220,000	31,000	17,410	500	1,000	170,000	0	0	0
04	Intelligent Transportation Systems	108,000	81,859	34,641	2,500	2,000	5,000	0	0	0
05	Update of Early Deployment Plan *	150,000	0	0	0	0	150,000	0	0	0
06	Passenger Rail Improvements	1,500	321	179	500	500	0	0	0	0
07	Planning Coordination	80,000	54,808	30,692	500	0	0	0	0	0
08	Corridor Studies	40,000	25,000	14,000	500	500	0	0	0	0
02-004	AQ Ping, Analysis Coordination	117,000	71,154	39,846	2,000	4,000	0	0	0	0
01	Air Quality Community	83,000	51,282	28,718	1,000	2,000	0	0	0	0
02	Development of 2003 SIP	34,000	19,872	11,128	1,000	2,000	0	0	0	0
02-005	Transit Planning & Coordination	285,256	105,035	58,821	600	800	50,000	0	50,000	0
01	SRTD Transit Planning	74,000	15,250	8,544	0	200	0	0	0	0
02	Paratransit, Inc. Monitoring & Evaluation	80,000	44,359	24,841	200	200	0	0	0	0
03	Transit Coordination	80,000	43,333	24,267	200	200	0	0	0	0
04	Yuba-Sutter Short Range Transit Plan *	51,656	2,087	1,169	200	200	50,000	0	0	0
02-006	Regional Monitoring and Forecasting	933,514	472,125	264,389	11,000	6,000	180,000	0	0	0
01	Regional Monitoring	343,500	210,577	117,923	4,000	1,000	10,000	0	0	0
02	Regional Forecasting	87,000	54,808	30,002	1,000	500	0	0	0	0
03	Travel Model Development - Phase 1	442,500	150,654	86,140	3,000	2,000	150,000	0	0	0
04	Travel Model Development - Phase 2 *	10,514	0	0	0	0	0	0	0	0
05	Census Data Distribution	10,514	48,060	26,928	3,000	2,500	20,000	0	0	0
02-007	Geographic Information Systems	713,855	364,860	204,210	6,200	3,500	135,285	0	0	0
01	GIS Applications	37,058	203,883	114,175	5,000	1,000	50,000	0	0	0
02	Precal-Level Base Map Development/Update	122,000	76,282	42,718	1,000	2,000	0	0	0	0
03	Sacramento GIS Cooperative	46,000	25,941	14,359	0	0	To Be Determined	0	0	0
04	Yolo GIS Cooperative	77,285	4,487	2,513	0	0	70,285	0	0	0
05	Aerial Photography	10,512	54,387	30,445	200	500	15,000	0	0	0
02-008	Public Info/Outreach & Advocacy	915,287	445,377	249,410	6,500	94,000	160,000	0	0	0
01	Regional Information Center	173,025	110,016	61,008	1,000	1,000	0	0	0	0
02	Education, Outreach & Marketing	263,678	136,973	76,705	3,000	50,000	0	0	0	0
03	Graphic Design and Layout	85,000	52,885	29,815	500	2,000	0	0	0	0
04/05	Legislation and Public Affairs	380,984	145,983	81,481	2,000	1,000	160,000	0	0	0
02-009	Services	587,756	213,339	119,471	6,473	5,473	0	0	0	223,000
01	Capitol Valley SAFE	211,987	131,244	73,497	3,473	3,473	0	0	0	0
02	Glenn County SAFE	3,000	1,823	1,077	0	0	0	0	0	0
03	Rileyslane	351,069	80,172	44,997	3,000	2,000	0	0	0	223,000
02-009	Special Projects & Local Tech Assst	1,771,413	255,385	143,015	8,200	5,400	1,284,413	0	75,000	0
01	Airport Land Use Commission (ALUC)	82,000	52,308	29,292	200	200	0	0	0	0
02	Sacramento TAO Cooperative	75,000	0	0	0	0	0	0	75,000	0
03/04	Sacto. Emergency Clean Air and Transp Program	52,413	39,744	22,256	1,000	2,000	457,413	0	0	0
05	Regional AQ Prog/Coord Study for Transit Op	500,000	78,923	43,077	3,000	2,000	375,000	0	0	0
06	Public Opinion Poll on MTP for 2025	30,000	6,410	3,960	0	0	20,000	0	0	0
07	Comprehensive Land Use/Transit Study	215,000	60,000	44,900	4,000	1,200	85,000	0	0	0
08	U.S. 50 Outreach Project	347,000	0	0	0	0	347,000	0	0	0
09	TOTAL	\$7,485,636	\$2,911,085	\$1,630,207	\$65,973	\$115,673	\$2,379,698	\$5,000	\$125,000	\$223,000

42701 ref

OVERALL WORK PROGRAM AGREEMENT

1. The undersigned signatory MPO hereby commits to complete, this fiscal year FY (beginning July 1, 2001 and ending June 30, 2002), the annual Overall Work Program (OWP), a copy of which was approved on date and is attached as part of this OWP Agreement.
2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreement (MFTA), numbered number and executed with an effective date of date between agency name (MPO) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWP Agreement for this FY.
3. The federal letters of approval from the Federal Transit Administration (FTA), dated date, and from the Federal Highway Administration (FHWA), dated date, and attachments, if applicable, which approved the attached OWP, are by this reference made an express part of this OWP Agreement.
4. MPO agrees to comply with FTA and FHWA matching requirements for "Consolidated Planning Grant" funds obligated and encumbered against this OWP Agreement. This OWP Agreement obligates and encumbers only these following federal funds: FHWA – Metropolitan Planning (PL), federal/local – 88.53/11.47; FHWA State Research and Planning (SP&R) – Partnership Planning, federal/local – 80/20; FTA Section 5303, federal/local – 88.53/11.47 and FTA Section 5313(b), federal/local – 88.53/11.47 as are specifically identified in Section 5 below. All local match funds are to be provided from non-federal sources.
5. Subject to the availability of funds this FY OWP funds encumbered by STATE include, but may not exceed, the following:

<u>Funding Source</u>	<u>Funding</u>	<u>Mandatory Local Match</u>
FHWA PL	\$ _____	\$ _____
FTA Sect. 5303	\$ _____	\$ _____
FTA Sect. 5313 (b)	\$ _____	\$ _____
FHWA SP&R Partnership Planning	\$ _____	\$ _____

6. Should MPO expend funds in excess of those encumbered against this FY OWP Agreement, those costs shall be borne solely by MPO.

Department of Transportation (STATE) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title	Name of Agency (MPO) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title
--	--

(For Use by Caltrans Accounting Only)

The total amount of all federal funds encumbered by this document is \$ _____
 Fund Title: _____

(For Use by Caltrans Accounting Only)

The total amount of all State funds encumbered by this document is \$ _____
 Fund Title: _____

<u>Item</u>	<u>Chapter Statute Fiscal Year</u>	<u>Item</u>	<u>Chapter Statute Fiscal Year</u>
E.A. /Subjob	Encumbrance Document Number	E.A. /Subjob	Encumbrance Document Number
	(For Accounting Use Only)		(For Accounting Use Only)

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

 Signature of Department of Transportation Accounting Officer

 Date

OVERALL WORK PROGRAM AGREEMENT

1. The undersigned signatory RTPA hereby commits to complete, this fiscal year FY (beginning July 1, 2001 and ending June 30, 2002), the annual Overall Work Program (OWP), a copy of which was approved on date and is attached as part of this OWP Agreement.
2. All of the obligations, duties, terms and conditions set forth in the Master Fund Transfer Agreement (MFTA), numbered number and executed with an effective date of date between agency name (RTPA) and the Department of Transportation (STATE), are incorporated herein by this reference as part of this OWP Agreement for this FY.
3. This OWP Agreement obligates and encumbers only these following funding sources: State Highway Account – Rural Planning Assistance (RPA) funds, Federal Highway Administration (FHWA) State Research and Planning (SP&R) – Partnership Planning Element (FHWA – SP&R Part. Planning) and Federal Transit Administration Section 5313(b) (FTA Sect. 5313(b) as are specifically identified in Section 4 below. RTPA agrees to comply with FHWA and FTA matching requirements for “Consolidated Planning Grant” funds obligated and encumbered against this OWP Agreement: FHWA – SP&R Part. Planning, federal/local – 80/20; and/or FTA Sect. 5313(b), federal/local – 88.53/11.47. All local match funds are to be provided from non-federal sources. RPA and FHWA – SP&R Part. Planning funds are available only for this FY.
4. Subject to the availability of funds, this FY OWP funds encumbered by STATE include, but may not exceed, the following:

<u>Funding Source</u>	<u>Funding</u>	<u>Mandatory Local Match, if applicable</u>
RPA – State Highway Account	\$ _____	\$ _____
FHWA –SP & R Part. Planning	\$ _____	\$ _____
FTA Sect. 5313 (b)	\$ _____	\$ _____

5. Should RTPA expend funds in excess of those encumbered by STATE against this OWP Agreement, those costs shall be borne solely by RTPA.

Department of Transportation (STATE) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title	Name of Agency (RTPA) _____ Authorized Signature _____ Printed Name of Person Signing _____ Title
--	---

(For Use by Caltrans Accounting Only)

The total amount of all federal funds encumbered by this document is \$: _____

Fund Title: _____

(For Use by Caltrans Accounting Only)

The total amount of all State funds encumbered by this document is \$: _____

Fund Title: _____

<u>Item</u>	<u>Chapter Statute Fiscal Year</u>	<u>Item</u>	<u>Chapter Statute Fiscal Year</u>
E.A. /Subjob	Encumbrance Document Number	E.A. /Subjob	Encumbrance Document Number
	(For Accounting Use Only)		(For Accounting Use Only)

I hereby certify upon my own personal knowledge that budgeted funds are available for the period and expenditure purpose stated above.

Signature of Department of Transportation Accounting Officer

Date

MPO/RTPA Name
FY 2003-04 Overall Work Program
Quarterly Progress Report
2nd Quarter

APPENDIX E

MPO LOCATED SOMEWHERE IN CALIFORNIA
Anywhere, CA 95000
CONSOLIDATED PLANNING GRANT (CPG)
Federal Highway Administration (FHWA) and Federal Transit Administration (FTA)

REQUEST FOR REIMBURSEMENT
INVOICE NUMBER 1 , Fiscal Year 2001-2002

The **MPO LOCATED SOMEWHERE IN CALIFORNIA**, a Metropolitan Planning Organization requests reimbursement in the amount of \$21,372.64 for the period beginning 7/01/01 through and inclusive of 7/31/01. I certify that I am a duly authorized representative of **MPO LOCATED SOMEWHERE IN CALIFORNIA** and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, dated **DAY MFTA SIGNED**, entered into between **MPO LOCATED SOMEWHERE IN CALIFORNIA** and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the **2001- 02** approved Overall Work Program. I certify that all State and federal matching requirements have been met.

2001-02 OWP Authorized	\$ 1,000,000.00
Total Invoices Year-to-Date	\$ 21,372.64
*Current Invoice	\$ 21,372.64
Balance	\$ 978,627.36

***Current Invoice Breakdown. This portion must be completed by local agency to receive reimbursement.**

			Local Funds	and/or	In-Kind Service
FHWA PL Funds	\$ 17,800.84	Local Match (11.47%) for PL	\$ 2,306.29		
FTA Sec. 5303 Funds	\$ 3,571.80	Local Match (11.47%) for Sec. 5303	\$ 462.76		
FTA Sec. 5313(b) Funds		Local Match (11.47%) for Sec. 5313(b)	\$ -		
FHWA SPR Funds		Local Match (20%) for SPR	\$ -		

Partnership Planning ONLY

Name & Title (please print) _____ Signature _____ Date _____

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to **MPO LOCATED SOMEWHERE IN CALIFORNIA** in the amount of \$ _____ **MPO LOCATED SOMEWHERE IN CALIFORNIA** has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and **MPO LOCATED SOMEWHERE IN CALIFORNIA**. This authorization to pay acknowledges receipt of services.

Vendor# _____ Accounting Use Only _____

Name (please print) _____ Signature _____ Date _____

TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$		RPI N	Encumbrance Document #		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$		RPI N	Encumbrance Document #		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$	FY	RPI N	Encumbrance Document #		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$	FY	RPI N	Encumbrance Document #		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$	FY	RPI N	Encumbrance Document #		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$	FY	RPI N	Encumbrance Document #		
TC _____ Source Dist 74	Source Unit 162	Chg. Dist EA	Subjob	FA 6	ObjCode 049
Amount \$	FY	RPI N	Encumbrance Document #		

Date Dist received Invoice _____ Invoice Dispute Notification Sent _____ Date Invoice Sent to HQ Accounting _____

APPENDIX F

Sample RTPA Request for Reimbursement (discretionary grants)

**RTPA
ADDRESS
CITY , STATE
FTA SECTION 5313(b) AND SPR PARTNERSHIP PLANNING ONLY**

REQUEST FOR REIMBURSEMENT
INVOICE NUMBER _____, Fiscal Year 2001-2002

The fill in agency name, a Regional Transportation Planning Agency, requests reimbursement in the amount of \$_____ for the period beginning _____ through and inclusive of _____. I certify that I am a duly authorized representative of fill in agency name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement, dated _____, entered into between fill in agency name and the State of California, Department of Transportation. The reimbursement request is for work completed in accordance with the **2001- 02** approved Overall Work Program. I certify that all State and federal matching requirements have been met.

2001-02 FTA 5313(b) OWPA Authorized	_____
2001-02 FHWA SPR OWPA Authorized	_____
Total Invoices Year-to-Date	_____
*Current Invoice	_____
Balance	\$ _____ -

***Current invoice Breakdown. This portion must be completed by local agency to receive reimbursement.**

		Local Funds	and/or	In-Kind Service
FTA Sec. 5313(b) Funds	_____ Local Match (11.47%) for Sec. 5313(b)	\$ _____		_____
FHWA SPR Funds	_____ Local Match (20%) for SPR	\$ _____		_____

Partnership Planning ONLY

_____	_____	_____
Name & Title (please print)	Signature	Date

Department of Transportation Use Only

I certify that I am duly authorized by the Department of Transportation to approve payment to fill in agency name in the amount of \$ _____. Fill in agency name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the State of California, Department of Transportation and fill in agency name. This authorization to pay acknowledges receipt of services billed.

Vendor# _____	Accounting Use Only	_____	_____	_____
Name (please print)	Signature	Date		

TC _____	Source Dist 74	Source Unit 162	Chg. Dist	EA	Subjob	FA 6	ObjCode 049
Amount \$		FY	RPI	N	Encumbrance Document #		

TC _____	Source Dist 74	Source Unit 162	Chg. Dist	EA	Subjob	FA 6	ObjCode 049
Amount \$		FY	RPI	N	Encumbrance Document #		

RTPA
Address
City, State
RURAL PLANNING ASSISTANCE (State Highway Account Only)
REQUEST FOR REIMBURSEMENT Fiscal Year 2001/02

Agency Invoice No. _____	Progress Payment No. _____
No. _____ EA 984150 Subjob _____	
Internal Revenue Service No. _____	

The fill in agency name, a Regional Transportation Planning Agency, requests reimbursement in the amount of _____. For the period beginning date and through and inclusive of date.

I certify that I am a duly authorized representative of fill in agency name and the request for reimbursement is consistent with the terms of the Master Fund Transfer Agreement dated fill in date entered into between fill in agency name and the STATE. The reimbursement request is for work completed in accordance with the 2001-02 approved Overall Work Program. I certify that all STATE matching requirements have been met.

2001/02 RPA OWPA Authorized \$	_____
Invoices Year to Date	\$ _____
Current Invoice	\$ _____
Balance	\$ _____

_____ Name (Please print)	_____ Signature	_____ Date
------------------------------	--------------------	---------------

(Department of Transportation Use Only)

I certify that I am duly authorized by the Department of Transportation to approve payment to fill in agency name in the amount of _____.
fill in agency name has an approved Overall Work Program and the request for reimbursement is consistent with the Master Fund Transfer Agreement between the STATE and fill in agency name. This authorization to pay acknowledges receipt of services billed.

_____ Name (Please print)	_____ Signature	_____ Date
Phone Number _____		

FHWA PL

Request for Reimbursement Number xyz

APPENDIX I

MPO Name
FY 2003-04 Overall Work Plan
FTA 5303
Billing Period from xyz date to xyz date.
Request for Reimbursement Number xyz

[illegible]

Request for Reimbursement Number xyz

[illegible]

Request for Reimbursement Number xyz

[illegible]

MPO/RTPA
Address
City, State

Certification of Expenditure by Fund Source
Fiscal Year 2003/04

I certify that I am a duly authorized representative of the **MPO/RTPA** and the following statement of expenditure of funds is consistent with the terms of the Master fund Transfer Agreement, dated _____, entered into between the **MPO/RTPA** and the State.

I have attached a copy of the Statement of Expenditures by fund source and work element. Matching funds are identified. The expenditures shown are for work completed in accordance with the Fiscal Year 2003/04 approved Overall Work Program. I certify that all state and federal matching requirements have been met.

Metropolitan Planning (PL/FHWA)	\$	_____
FTA Section 5303	\$	_____
FTA Section 5313(b)	\$	_____
SPR – Partnership Planning	\$	_____
Total Consolidated Grant		_____

I understand that this represents a final statement of expenditure for the 2003/04 fiscal year and no future requests for reimbursement will be processed by the State for payment.

Name (Please print)

Signature

Title (Please print)

Date

DIRECTOR'S POLICY

Number: 19

Effective Date: 08-29-01

Supersedes: New

TITLE

Working with Native American Communities

POLICY

When working on issues affecting Native American communities, the Department of Transportation (Department) acts consistently, respectfully and sensitively. When there are regulatory, statutory and/or procedural impediments limiting the Department's ability to work effectively and consistently with Native American communities, the Department seeks to resolve such impediments.

The Department establishes and adheres to government-to-government relationships when interacting with federally recognized California Native American Tribes (Tribal Governments). The Department:

- Acknowledges these tribes as unique and separate governments within the United States.
- Ensures that its programs and activities avoid or minimize adverse impacts to cultural and other resources.
- Recognizes and respects important California Native American rights, sites, traditions and practices.
- Consults with Tribal Governments prior to making decisions, taking actions or implementing programs that may impact their communities.

INTENDED RESULTS

When engaging in activities or developing policies that affect Native American tribal rights or trust resources, the Department acts in a knowledgeable, sensitive and respectful manner.

Native American communities include lands held in trust by Tribal Governments, communities of non-federally recognized tribes, tribal members of California tribes living outside the exterior boundaries of a reservation or rancheria, Native Americans that are not part of a California tribe living in California.

RESPONSIBILITIES

Director: Works with Tribal Governments to achieve the intended results of this policy either directly or through subordinates.

Deputy Director, Planning and Modal Programs:

- Has lead responsibility for the development and implementation of departmental policy regarding issues impacting Native American communities.
- Coordinates the activities of and serves as the Director's representative and ex-officio member to the Director's Native American Advisory Committee.
- Advises Districts, Divisions, agencies and states to resolve issues or concerns of Native American communities.

Deputy Director, Civil Rights:

- Develops and implements departmental policy on issues regarding Civil Rights, Disadvantaged Business Enterprises (DBE) and Tribal Employment Rights Ordinances (TERO) as they relate to Native Americans and Native American communities.
- Advises Tribal Governments and the Department on Title VI provisions as they relate to Native Americans.

Deputy Director, Project Delivery:

- Develops and implements departmental policy on issues regarding environmental and cultural resources as they relate to Native American communities.
- Develops procedures to implement this policy as it relates to project delivery issues.

Deputy Director, Maintenance and Operations: Develops procedures to implement this policy as it relates to the maintenance and operation of State transportation facilities.

District Directors:

- Promote, establish and manage government-to-government relationships between the Department and Tribal Governments.
- Coordinate District activities with the Native American Liaison Branch.

Division Chiefs and Program Manager: Develop procedures to implement this policy as it relates to their respective areas of responsibility.

Chief, Division of Transportation Planning:

- Oversees the Department's Native American Liaison Branch that:
 - Serves as Department ombudspersons on Native American issues and initial contact for Native American legal issues.
 - Serves as liaisons between the Department, Tribal Governments and other involved third parties to promote government-to-government relationships.
 - Provides information, training and facilitation services related to issues affecting Native American communities.

Chief, Division of Environmental Analysis:

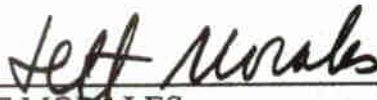
- Oversees the Native American Cultural Studies Branch.
- Develops policies and procedures implementing applicable State and federal environmental and cultural resources laws that affect Native American communities.
- Acknowledges and complies with applicable tribal environmental laws.

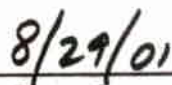
Managers and Supervisors: Ensure that their subordinates are informed of and comply with this policy.

Employees: Ensure that the Department is represented in a knowledgeable, sensitive and respectful manner when engaging in activities that impact Native American communities.

APPLICABILITY

Everyone who works for the Department in any capacity including contractors, consultants and subcontractors.


JEFF MORALES
Director


Date Signed